



1998

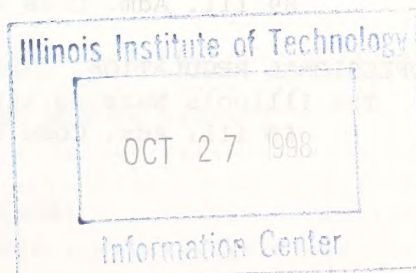
Illinois Register

Rules of Governmental Agencies

Volume 22, Issue 43—October 23, 1998

Pages 19151 - 19,308

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



published by

George H. Ryan
Secretary of State



Printed on recycled paper

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: State Matching Grant Program

2) Code Citation: 23 Ill. Adm. Code 1038

3) Section Numbers:

1038.10	New Section
1038.20	New Section
1038.30	New Section
1038.40	New Section
1038.50	New Section
1038.60	New Section
1038.70	New Section

4) Statutory Authority: Implementing and authorized by Section 9.26 of the Board of Higher Education Act [110 ILCS 205/9.26].

5) A Complete Description of the Subjects and Issues Involved: This Part provides for the distribution of matching grants to Illinois institutions of higher education. Grants will be made to stimulate increased federal and corporate research funds and to improve research capabilities of those institutions.

6) Will these proposed Rules replace emergency Rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed Rules contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules implement a grant program designed to strengthen research capabilities of Illinois higher education institutions and to draw additional research dollars to those institutions for purposes of increasing those capabilities.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be directed to the following within 45 days of the date of this publication:

Dr. Ross Hodel, Deputy Director
Illinois Board of Higher Education
4 West Old Capitol Plaza, Room 500
Springfield, Illinois 62701-1214

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: These proposed rules will affect public and

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NOTICE OF PROPOSED RULES

private colleges and universities that choose to participate in the grant program.

B) Reporting, bookkeeping or other procedures required for compliance: None other than those specified in the proposed rules.

C) Types of professional skills necessary for compliance: None other than those required by requirements specified in the rules.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the Act was not yet signed into law.

The full text of the Proposed Rules begins on the next page.

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1038

STATE MATCHING GRANT PROGRAM

Section 1038.10	Purpose
1038.20	Definitions
1038.30	Project Eligibility Criteria
1038.40	Funding Formula
1038.50	Application Requirements for Determination of Grant Funds Allocation
1038.60	Use of Grant Funds
1038.70	Conditions and Administrative Responsibilities

AUTHORITY: Implementing and authorized by Section 9.26 of the Board of Higher Education Act [110 ILCS 205/9.26].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

Section 1038.10 Purpose

The purpose of this Part is to provide for the distribution of matching grants to Illinois institutions of higher education as incentives in the competition for external grants and contracts. Grants will be made to stimulate increased federal and corporate research funds and to improve the research capabilities of those institutions. [110 ILCS 205/9.26]

Section 1038.20 Definitions

"Applied research" means systematic study and investigation undertaken to discover the applications and uses of knowledge and principles in actual work or in solving problems.

"Basic research" means systematic study and investigation undertaken to discover new knowledge and establish facts or principles.

"Board" means the Illinois Board of Higher Education.

"Expenditure period" means the two-year period beginning on the first day of the grant period.

"Grant funds" means dollars appropriated by the State of Illinois to be used in support of the State Matching Grant Program.

ILLINOIS BOARD OF HIGHER EDUCATION

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"Grant period" means the State of Illinois fiscal year for which grant funds are appropriated.

"Institution" means an Illinois public university or community college, or not-for-profit degree-granting independent college or university.

"Matched project" means a sponsored research project for which an award was made by an external sponsor during the matching period, for which the institution made a required matching contribution, and that meets the project eligibility criteria set forth in Section 1038.30.

"Matching contribution" is the institution's resource commitment to a sponsored research project as required by the terms of the agreement between the institution and the project sponsor. Matching contributions shall not include the contributed effort of project investigators and shall be limited to institutionally-provided direct costs separately budgeted and accounted for as the institution's contribution to the research project.

"Matching period" means the State of Illinois fiscal year immediately preceding the State fiscal year for which grant funds are appropriated.

"Sponsor" means an entity, other than the State of Illinois, the applicant institution, or any consortium in which the institution is a member, that provides primary financial support for research project activities.

"Supported project" means a sponsored research project for which an award is formally committed to by an external sponsor, for which the receipt of sponsored research grant funding requires an institutional matching contribution, that meets the criteria set forth in Section 1038.30, and for which grant funds will be allocated to meet all or part of the matching contribution during the expenditure period. Multi-year projects may be submitted for only one year at a time, but may be re-submitted annually during the life of the project if the project sponsor is required to make a re-determination each year that the institution is eligible for grant funding.

Section 1038.30 Project Eligibility Criteria

Projects shall meet the following criteria to be eligible for inclusion as a matched project in the grant application or as a supported project for which grant funds will be used.

- a) The project is a research project and is described by the sponsor as a research project.
- b) The research project is awarded grant funds through an open and

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- competitive process of merit review.
- c) Matching funds are required by the sponsor under the terms of the award or the award is conditioned on a match as a determination of institutional commitment.
 - d) The institution is committed to provide a specified matching contribution and shall provide funding for any portion of the matching contribution not covered by the State Matching Grant Program.
 - e) Projects must be basic research or applied research activities.
 - f) Such activities as training of personnel, workforce training or development, curricular research or development, clinical trials, or building construction or renovation (except for renovation costs incurred in support of an eligible project) shall be only incidental to the basic research or applied research activities.
 - g) Research projects for which the State of Illinois has provided a specific grant or appropriation are ineligible for matching funds under this grant program. However, research projects for which State Matching Grant Program grants or other State funds were used as matching contributions during the matching period are eligible for inclusion as a matched project in establishing the subsequent year's allocation base.
 - h) The results of the sponsored research project must be available to the public or to the sponsoring governmental agency. Research projects may not support private, non-governmental, or for-profit research activities.

Section 1038.40 Funding Formula

State Matching Grant Program grant funds shall be allocated to each participating institution based on the institution's total sponsored grant funding for eligible matched projects received during the matching period as a proportion of the total sponsor grant funding for matched projects received during the matching period for all institutions submitting grant applications. In this formula, funds provided to any third party as a subawardee are to be excluded.

Section 1038.50 Application Requirements for Determination of Grant Funds Allocation

- a) The Board shall notify in writing the chief executive officer of every institution in the State of Illinois of the availability of grant funds not less than 45 days before the deadline for submission of applications.
- b) Applications must be completed on forms prescribed by the Board.
- c) Grant funds applications shall contain, at a minimum:
 - 1) For each matched project, the following information:
 - A) project title;
 - B) copy of official award notification;
 - C) total grant funding and grant funding received during the

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- matching period (less grant funds provided to a subgrantee during the matching period); and
- D) a description of specific institutional matching requirements and matching contributions expended during the matching period.
- 2) Certification by the chief executive officer of the institution that:
- A) research projects and matching contributions listed in the application comply with administrative rules;
 - B) the institution will provide a program specific audit as required by this Part;
 - C) the institution will comply with this Part and applicable State and federal statutes;
 - D) the institution will refund to the Board of Higher Education any grant funds for matched projects for which funding is not received, for which matching or grant funds are not properly expended, or for which the institution is deemed ineligible; and
 - E) the institution will provide such additional information requested by the Board or external evaluators as necessary to administer this program.
- d) Application information may be obtained from, and applications shall be submitted to:

State Matching Grant Program
 Illinois Board of Higher Education
 4 West Old Capitol Plaza, Room 500
 Springfield, Illinois 62701

Section 1038.60 Use of Grant Funds

- a) State Matching Grant program grant funds may be used for:
 - 1) All or part of the institution's required matching contribution during the grant expenditure period for eligible sponsored research projects for which the institution receives formal notification of the awarding of sponsor research funds during the grant period.
 - 2) Audit of grant funds.
- b) The Board will distribute grant funds to institutions based on:
 - 1) The institution's allocation of grant funds as determined in Section 1038.40, one-half of which will be distributed to grant recipients at the time of allocation.
 - 2) The remainder of the institution's allocation after the Board receives a request for the distribution of the remaining grant funds from the institution that includes a listing of all newly eligible sponsored research projects for which the institution received award notification during the grant period and copies of the formal award notification letters from the project sponsors.

ILLINOIS BOARD OF HIGHER EDUCATION

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Section 1038.70 Conditions and Administrative Responsibilities

- a) Non-Discrimination. No recipient shall discriminate on the basis of race, creed, sex, handicap, color, or national origin in the employment, training, or promotion of personnel.
- b) Audit. Each recipient of a State Matching Grant Program grant shall submit an audit performed by an external auditor who is certified as a public accountant by the Illinois Department of Professional Regulation. Such audit shall include a report from the auditor as to whether, for each identified project, sponsor research funds were received during the matching period and the institutional matching contributions were truly stated based on conditions and assurances included in the State Matching Grant Program grant application and award letter. The auditor also shall report as to whether grant funds were expended in accordance with the uses outlined in Section 1038.60. A State Matching Grant Program grant specific audit is required and shall be performed in accordance with Government Auditing Standards, issued by the Comptroller General of the United States. Audits are due by October 1 following the end of the expenditure period.
- c) Evaluation Report. A report documenting the external leveraging of funds achieved and results achieved by the matching grant funds is to be provided. The report shall document the extent to which the institutions' ability to attract funds has been enhanced by the State Matching Grant Program and what monetary and non-monetary benefits have accrued to the citizens of Illinois as a result of projects included in the State Matching Grant Program. Evaluation reports are due October 1 following the end of the expenditure period.
- d) Any matched project that was used to obtain grant funds, but for which sponsor funding was never received, for any reason, shall require a prorated return of the grant funds attributed to that project.
- e) Grant funds not expended as matching contributions for eligible projects identified by the grant recipient shall be refunded to the Board.
- f) With the assistance of a panel of external evaluators, the State Matching Grant Program will be reviewed annually and the results reported to the Board of Higher Education. The following questions will be addressed in the report:
 - 1) To what extent have the objectives of the program been achieved?
 - 2) How many federal and corporate research dollars have come to Illinois as a result of projects included in the program?
 - 3) What monetary and/or non-monetary benefits have accrued to the citizens of Illinois as a result of the projects supported by the grant program?

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Heading of the Part: Advisory Councils

- 1) Code Citation: 89 Ill. Adm. Code 515
- 2) Section Numbers:

515.100	Amendment
515.110	Amendment
515.120	Amendment
515.130	Amendment
515.140	Amendment
515.150	Amendment
515.400	Amendment
515.410	Amendment
515.420	Amendment
515.440	Amendment
515.610	Amendment
515.620	Amendment
515.640	Amendment
- 3) Proposed Action:
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administration Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].
- 5) A Complete Description of the Subjects and Issues Involved: The rules for Advisory Councils are being amended to reflect changes in the State statutes. The revisions also reflect the organization of the Department of Human Services.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield IL 62762
 Telephone number: (217) 785-9772
 TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515

ADVISORY COUNCILS

SUBPART A: STATE REHABILITATION SERVICES ADVISORY COUNCIL

Section	State Rehabilitation Services Advisory Council
515.1100	Powers and Duties
515.1120	Composition
515.1130	Meetings
515.1140	Terms of Membership
515.1150	General Provisions

SUBPART B: CONSUMER ADVISORY COUNCILS

Section	Consumer Advisory Councils
515.200	

SUBPART C: FACILITY ADVISORY COUNCILS

Section	Facility Advisory Councils
515.300	

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section	Statewide Independent Living Council
515.400	Composition
515.410	Meetings
515.420	Membership Terms
515.430	Powers and Duties
515.440	General Provisions
515.450	

SUBPART E: BLIND SERVICES PLANNING COUNCIL

Section	Blind Services Planning Council
515.500	

SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

Section	Advisory Council on Spinal Cord and Head Injuries
515.600	Powers and Duties
515.610	Composition
515.620	Meetings
515.630	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

515.640 Membership Terms
515.650 General Provisions

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

SOURCE: Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1985; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill. Reg. 17942, effective October 24, 1988; amended at 15 Ill. Reg. 7211, effective April 26, 1991; emergency amendment at 17 Ill. Reg. 11589, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20278, effective November 15, 1993; amended at 18 Ill. Reg. 11623, effective July 7, 1994; amended at 20 Ill. Reg. 10162, effective July 16, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: STATE REHABILITATION SERVICES ADVISORY COUNCIL

Section 515.100 State Rehabilitation Services Advisory Council

The State Rehabilitation Services Advisory Council (SRAC RSAE) is established for with the purpose of advising the Secretary Director of the Department of Human Services (DHS) and the Vocational Rehabilitation Administrator, Office of Rehabilitation Services (DHS-ORS) Associate Director, of the provisions of the federal Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 in matters concerning individuals with disabilities and the provision of rehabilitation services [20 ILCS 5/6.23].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.110 Powers and Duties

Powers and duties of the Powers-and-duties-of-the SRAC RSAE in respect to the operation of DHS-ORS include:

- To consider and study the subject of rehabilitation ~~to-consider-and-study-the-subject-of-rehabilitation~~ as it relates to the programs and purpose of DHS-ORS;
- To recommend to the Associate Director, DHS-ORS, on its own initiative, policies and practices which shall be duly considered; ~~to recommend--to-the-Director-of-DHS-ORS--on-its-own-initiative--policies-and-practices-which-shall-be-duly-considered~~;
- To give advice or make recommendations to the Governor and the General Assembly when so requested or on its own initiative; ~~To-give-advice-or-make-recommendations-to-the-Governor-and-the-General-Assembly-when--so~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- ~~Requested-or-on-its-own-initiative?~~
- To investigate the conduct of the work of DHS-ORS, and for this purpose to have access, at any time, to all books, papers, documents, and records pertaining or belonging to DHS-ORS, and to require written or oral information from any officer or employee of DHS-ORS;
 - To adopt bylaws, not inconsistent with law, for the internal management of the ~~to-adopt-bylaws--not-inconsistent-with-law--for--the internal--management--of--the SRAC RSAE~~, a copy of which is to be filed with the Associate Director of DHS-ORS; ~~a-copy-of-which-is-to-be-filed with-the-Associate-Director-of-DHS-ORS?~~
 - To act by a subcommittee, or by a majority of SRAC, ~~To-act-by-a-subcommittee--or-by-a-majority-of-SRAC--if-the-bylaws-so-prescribe-if the bylaws so prescribe;~~
 - To keep minutes of each meeting which shall be filed with the Associate ~~To-keep--minutes-of--each-meeting-which-shall-be-filed-with the Director of DHS-ORS Director--of--DHS~~ and available for public review; ~~and-available-for-public-review?~~
 - To give notice of the time and date of each meeting to the Governor and the ~~To-give-notice-of-the-time-and-date-of--each-meeting--to--the Governor--and--the-Director-of-DHS~~ Secretary and Associate Director of DHS-ORS, ~~to-permit-the-Governor-and-the-Director-of-DHS~~ to permit the Governor and the Secretary and vocational rehabilitation administrator ~~to-attend--meetings-and-to-be-heard-upon-any-matter-coming-before-the SRAC?~~ to attend meetings and to be heard upon any matter coming before the SRAC;
 - To prepare and submit to the Associate Director of DHS-ORS such reports and findings as he she may request or as the Council deems fit and prepare and submit such reports and findings to the Governor and the Commissioner for the Rehabilitation Services Administration of the U.S. Department of Education;
 - To select jointly with DHS the vocational rehabilitation administrator (Associate Director of DHS-ORS) a pool of qualified persons to serve as impartial hearing officers [20 ILCS 5/6.23];
 - To the extent feasible, to conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
 - the functions performed by DHS-ORS and other public and private service providers; and
 - VR services provided, or paid for, through DHS-ORS or any other source;
 - To coordinate the activity of the SRAC RSAE with the Independent Living Council (see 89 Ill. Adm. Code 515: Subpart D) and other advisory councils of DHS-ORS and the State Advisory Council on Education of the Handicapped, the Illinois Planning Council on Developmental Disabilities, the Planning Council on Mental Health, and other appropriate entities;
 - To provide for coordination and establishment of working relationships between DHS-ORS and the Statewide Independent Living Council and centers for independent living throughout Illinois; and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- n) To review the State Plans to be submitted to the Commissioner of the Rehabilitation Services Administration of the U.S. Department of Education;
- o) To develop, in tandem with DHS-ORS, written policies and procedures to enable each customer to make informed choices regarding his/her rehabilitation program; and
- p) To review and comment on plans, policies, and procedures relating to recruitment, preparation, and retention of qualified staff, personnel standards, and staff development. This is not to be construed to mean that SRAC shall have input into individual personnel transactions regarding DHS-ORS staff (e.g., hirings, promotions, disciplinary action taken against an employee).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.120 Composition

- a) The SRAC RSAC shall consist of 23 members appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.
- 1) The Governor shall appoint to this Council the following:

- A) One representative of a parent training center established in accordance with the federal Individuals With Disabilities Education Act.
- B) One representative of the client assistance program (CAP) or other individual recommended by CAP.
- C) One vocational rehabilitation counselor who has knowledge of and experience with vocational rehabilitation programs (if an employee of DHS the Department is appointed, that appointee shall serve as an ex officio, non-voting member).
- D) One representative of community rehabilitation program service providers.
- E) Four representatives of business, industry, and labor.
- F) Eight representatives of disability advocacy groups representing a cross section of the following:
- i) individuals with physical, cognitive, sensory, and mental disabilities; and
 - ii) parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or who are unable, due to their disabilities, to represent themselves.
- G) One current or former applicant for, or recipient of, vocational rehabilitation services.
- H) Three representatives from secondary or higher education.
- 2) In addition, the chairperson of, or a member designated by, the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Statewide Independent Living Council created under Section 12a of the Disabled Persons Rehabilitation Act, the chairperson of the Blind Services Planning Council created under the Bureau for the Blind Act, and the vocational rehabilitation administrator Director--of--Rehabilitation--Services shall serve as ex officio members.

- b) The Council shall select, from its voting membership, a chairperson.
- c) The chairperson and at least 11 other members of the Council shall have a recognized disability.
- d) One member shall be a senior citizen age 60 or over.
- e) A majority of the Council members shall not be employees of DHS-ORS [20 ILCS 5/6.23].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.130 Meetings

- a) The SRAC RSAC shall meet at least 4 times per year at times and places designated by the chairperson upon 10 days written notice to the members. A schedule of these meetings shall be developed so that public notice of the dates, times, and locations of the regularly scheduled meetings will be posted at the beginning of the calendar year at appropriate DHS-ORS administrative offices at 623-B--Adams--Springfield--and-100-W--Randolph--Chicago. Copies of the public notice will also be provided to news media upon written or oral request.
- b) Special meetings may be called by the chairperson or 7 members of the Council upon 7 days written notice to the other members. Public notice of the date, time, location and agenda of any special meeting will be posted at appropriate DHS-ORS administrative offices at 623-B--Adams--Springfield--and-100-W--Randolph--Chicago at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].
- c) Nine ~~twelve~~ members shall constitute a quorum. [20 ILCS 5/6.23]-
- d) Meetings shall be open to the public, except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].
- e) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], which allows any person to record a meeting required to be open unless a witness testifying before the Council council refuses to testify on the basis that his or her testimony will be broadcast or televised or that motion pictures will be taken during testimony. If such refusal occurs, recording shall be prohibited.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Section 515.140 Terms of Membership

- a) ~~The terms of all members appointed to the RSAC before the effective date of P.A. 88-10 shall expire on July 17, 1993.~~
~~a) The members first appointed under P.A. 88-10 shall be appointed to serve for staggered terms beginning July 1, 1993 as follows: 7 members shall be appointed for terms of 2 years, and 6 members shall be appointed for terms of 1 year. Thereafter, all appointments shall be for terms of 3 years.~~
 b) ~~Vacancies shall be filled for the unexpired term. Members shall serve until their successors are appointed and qualified.~~
 c) ~~No member shall serve for more than 2 full terms. [20 ILCS 5/6.23]~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.150 General Provisions

- a) ~~Members shall be reimbursed for their actual expenses incurred in the performance of their duties as members of SRAC RSAC, including expenses for travel, child care, and personal assistance services, and a member who is not employed or who must forfeit wages from other employment shall be paid reasonable compensation for each day the member is engaged in performing the duties of the Council. For the purpose of payment, "reasonable compensation" shall be \$100.00 per day, but in no case shall the amount exceed income lost by the SRAC RSAC member who must forfeit wages as a result of his/her participation.~~
 b) ~~No member of SRAC RSAC shall cast a vote on any matter that would provide direct financial benefit to the member or his/her immediate family, spouse, child, parent or other relative living in his/her household, or otherwise give the appearance of a conflict of interest under Illinois law.~~
 c) ~~To the extent there is a disagreement between SRAC RSAC and the unit within the Department of Human Services responsible for the administration of the vocational rehabilitation program BHS regarding the resources necessary to carry out the functions of SRAC RSAC as set forth in Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8], and as provided in other law, the disagreement shall be resolved by the Governor [20 ILCS 5/6.23].~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section 515.400 Statewide Independent Living Council

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

The Governor shall appoint a Statewide Independent Living Council, comprised of 18 members which shall be established as an entity separate and distinct from the Department BHS [20 ILCS 2405/12a(d)].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.410 Composition

- a) The composition of the Council shall include the following:
- 1) At least one Director of a Center for Independent Living chosen by the Directors of Centers for Independent Living within the State;
 - 2) A representative from the unit of the Department of Human Services responsible for the administration of the vocational rehabilitation program (Office of Rehabilitation Services) and a representative from another unit in the Department of Human Services that provides services for individuals with disabilities; a representative each from the Department of Aging, the State Board of Education, and the Department of Children and Family Services, all as ex-officio, non-voting members who shall not be counted in the 18 members appointed by the Governor; and
 - 2) One or more representatives of Centers for Independent Living;
 - 3) One or more parents or guardians of individuals with disabilities;
 - 4) One or more advocates for individuals with disabilities;
 - 5) One or more representatives of private business;
 - 6) One or more representatives of organizations that provide services for individuals with disabilities;
 - 7) Other appropriate individuals.
 - 3) In addition, the Council may include the following:
 - A) One or more representatives of centers for independent living;
 - B) One or more parents or guardians of individuals with disabilities;
 - C) One or more advocates for individuals with disabilities;
 - D) One or more representatives of private business;
 - E) One or more representatives of organizations that provide services for individuals with disabilities; and
 - F) Other appropriate individuals.
- b) In addition, a representative of BHS and a representative of each of the Department on Aging, the State Board of Education, and the Department of Children and Family Services, all as ex-officio, non-voting members who shall not be counted in the members appointed by the Governor.

b) The Council shall elect a chairperson from among its membership. [20 ILCS 2405/12a]

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.420 Meetings

- a) Meetings shall be open to the public,⁷ except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].
- b) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis that his or her testimony will be broadcast⁷ or televised or that motion pictures will be taken during testimony. If such refusal occurs, recording shall be prohibited.
- c) A schedule of all meetings shall be developed so that public notice of the dates, times and locations of the regularly scheduled meetings will be posted at the beginning of the calendar year at appropriate DHS-ORS administrative offices at ~~623-B--Adams--Springfield-and-100-W--Randoiph--Chicago~~. Copies of the public notice will also be provided to news media upon written or oral request.
- d) Public notice of the date, time, location and agenda of each special meeting shall be posted at appropriate DHS administrative offices at ~~623-B--Adams--Springfield-and-100-W--Randoiph--Chicago~~ at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].
- e) All meetings of the Council ~~council~~ shall be physically and communicatively accessible to all persons with disabilities.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.440 Powers and Duties

The Council shall have the following duties:

- a) Jointly with DHS-ORS, develop and submit to the Commissioner of the Rehabilitation Services Administration of the U.S. Department of Education (Commissioner) the Independent Living Plan for the State of Illinois;
- b) monitor, review, and evaluate the implementation of the State Plan for Independent Living;
- c) coordinate activities with the State Rehabilitation Services Advisory Council;
- d) submit to the Commissioner such periodic reports as he/she may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports;

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- e) hold hearings and forums as it deems necessary to carry out the duties of the Council;
- f) prepare, in conjunction with DHS-ORS, a plan for the provision of resources, including staff and personnel, necessary to carry out the functions of the Council;
- g) have necessary exclusive staff to assist the Council in carrying out its duties and supervise and evaluate that staff; and
- h) ~~to appoint jointly, with the vocational rehabilitation administrator, DHS---Director a peer review committee to consider and make recommendations for grants to eligible centers for independent living~~ [20 ILCS 2405/12a].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.610 Powers and Duties

The Council shall:

- a) promote meetings and programs for the discussion of reducing the debilitating effects of spinal cord and head injuries and disseminate information in cooperation with any other department, agency or entity on the prevention, evaluation, care treatment, and rehabilitation of persons affected by spinal cord and head injuries;
- b) study and review current prevention, evaluation, care, treatment and rehabilitation technologies and recommend appropriate preparation, training, retraining and distribution of manpower and resources in the provision of services to spinal cord and head injured persons through private and public residential facilities, day programs, and other specialized services;
- c) recommend specific methods, means and procedures which should be adopted and upgrade the State's service delivery system for spinal cord and head injured citizens of this State;
- d) participate in developing and disseminating criteria and standards which may be required for future funding and licensing of facilities, day programs and other specialized services for spinal cord and head injured persons in this State; and
- e) report annually to the Governor and the General Assembly on its activities, on the results of its studies and the ~~its~~ recommendations of the Council; and ~~to the~~ ~~board for~~ ~~purposes of federal programs regarding traumatic brain injury.~~ [410 ILCS 515/6(h)]

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.620 Composition

The Council shall consist of 29 members: ~~---two members---shall---be---appointed---by~~

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NOTICE OF PROPOSED AMENDMENTS

~~each--of--the--Speaker--of--the--House--of--Representatives--the--President--of--the--Senate--the--Minority--Leader--of--the--House--of--Representatives--and--the--Minority--Leader--of--the--Senate--the--remaining--21--members--shall--be--appointed--by--the--Governor--with--advice--and--consent--of--the--Senate--as--follows:~~

- a) ~~two Neurosurgeons;~~
- b) ~~two orthopedic surgeons;~~
- c) ~~two rehabilitation specialists, one of whom shall be a registered nurse;~~
- d) ~~four persons with head injuries or family members of persons with head injuries;~~
- e) ~~four persons with spinal cord injuries or family members of persons with spinal cord injuries; and~~
- f) ~~a representative of an Illinois college or university;~~
- g) ~~a representative from health institutions or private industry; and~~
- h) ~~in addition, the Governor shall appoint one individual from each of the following entities to the Council as ex-officio members who are not subject to the limit of 2 consecutive 3 year terms:~~
 - 1) ~~the unit of the Department of Human Services that is responsible for the administration of the vocational rehabilitation program;~~
 - 2) ~~another unit within the Department of Human Services that provides services to individuals with disabilities;~~
 - 3) ~~the State Board of Education;~~
 - 4) ~~the Department of Public Health;~~
 - 5) ~~the Department of Insurance;~~
 - 6) ~~the Department of Public Aid;~~
 - 7) ~~the Division of Specialized Care for Children of the University of Illinois;~~
 - 8) ~~the Statewide Independent Living Council; and~~
 - 9) ~~the State Rehabilitation Advisory Council.~~

f) ~~A representative of the following:~~

- 1) ~~An Illinois college or university;~~
- 2) ~~Health institutions or private industry;~~
- 3) ~~The State Board of Education;~~
- 4) ~~The Department of Public Health;~~
- 5) ~~The Department of Insurance; and~~
- 6) ~~The Department of Public Aid. [410 ILCS 515/6a]~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 515.640 Membership Terms

a) ~~the--21--members--appointed--by--the--Governor--shall--serve--staggered--terms--determined--by--the--members--by--lot--as--follows:~~

- 1) ~~7--are--to--have--1--year--terms;~~
 - 2) ~~7--are--to--have--2--year--terms;~~
 - 3) ~~7--are--to--have--3--year--terms. [410 ILCS 515/6a]~~
- a) ~~b) thereafter, the successors to each of these 21 Members shall serve~~

DEPARTMENT OF HUMAN SERVICES

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~~3-year terms and until their successors are appointed by the Governor with the advice and consent of the Senate. [410 ILCS 515/6a]~~

c) ~~Except ex-officio members, no No member shall serve more than 6 consecutive years on the Council council.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Insurance Department Complaints

2) Code Citation: 50 Ill. Adm. Code 926

3) Section Numbers: Proposed Action:

926.10	Amendment
926.20	Amendment
926.30	Amendment
926.40	Amendment
926.50	Amendment
926.60	Repeal
926.70	Repeal
926.EXHIBIT A	Amendment
926.EXHIBIT B	Amendment

4) Statutory Authority: Implementing Sections 133, 149, 404(1)(a), 421 and 424 of the Illinois Insurance Code [215 ILCS 5/133, 149, 404(1)(a), 421 and 424] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: Following the adoption of these proposed amendments, the Department will no longer allow consumer complaint files to be released under subpoena pursuant to Section 404(1)(a) of the Illinois Insurance Code [215 ILCS 5/404(1)(a)]. Language is being added to Section 926.40 that will also prohibit the release of consumer complaint files and all documents submitted with the consumer complaint or in response to the consumer complaint to third parties. Housekeeping changes are also being made.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

David Van Lieshout	Mary Meyer
Assistant Chief Counsel	Paralegal
Department of Insurance	Department of Insurance
320 West Washington	or 320 West Washington
Springfield IL 62767-0001	Springfield IL 62767-0001
217-782-2867	217-785-8220

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 926
INSURANCE DEPARTMENT CONSUMER COMPLAINTS

Section	Authority
926.10	Scope
926.20	Purpose
926.30	Complaint Handling Procedure
926.40	Maintenance of Complaint Records
926.50	Severability Provision (Repealed)
926.60	Effective Date (Repealed)
926.70	Exhibit A Complaint Record
EXHIBIT A	Complaint Record
EXHIBIT B	Explanation

AUTHORITY: Implementing Sections 133, 149, 404(1)(a), 421, and 424 of the Illinois Insurance Code [215 ILCS 5/133, 149, 404(1)(a), 421, and 424] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed December 2, 1976, effective January 1, 1977; codified at 7 Ill. Reg. 2361; amended at 22 Ill. Reg. _____, effective _____.

Section 926.10 Authority

This Part Rule is promulgated by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code [215 ILCS 5/401] ~~that~~ ~~Rev-Stat--1987-ch-737-Section-1037~~ which empowers the Director "... to make reasonable rules and regulations as may be necessary for making effective ... the insurance laws of this State. The purpose of this Part Rule is to implement Sections 133, 149, 404(1)(a), 421 and 424 of the Illinois Insurance Code [215 ILCS 5/133, 149, 404(1)(a), 421 and 424] ~~that~~ ~~Rev-Stat--1987-ch-737-pars--7457-767-1020-and-1037~~.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 926.20 Scope

Part 926 shall apply to any insurance company ~~that~~ ~~is~~ licensed to do business in this State ~~and~~ which is transacting the kind or kinds of business described in Class 1, Class 2, or Class 3 in of Section 4 of the Illinois Insurance Code [215 ILCS 5/41]. ~~that~~ ~~Rev-Stat--1987-ch-737-Section-6167~~ This Part also applies to any entity that the Director of Insurance licenses, registers or grants a Certificate of Authority ~~which received a--Certificate-of-Authority~~

DEPARTMENT OF INSURANCE

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~~from the Director of Insurance~~ under Chapter 215 92 of the Illinois Compiled Revised Statutes, and to any insurance producer ~~agent or broker~~ licensed under Article XXXI of the Illinois Insurance Code. Complaint files are deemed, by the Illinois Department of Insurance, to be confidential records and will not be released unless such person or organization is either the complainant and/or the party against whom the complaint has been filed ~~without appropriate legal documents to any person or organization~~.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 926.30 Purpose

The purpose of this Part Rule is to establish guidelines for the handling of complaints received by the Department of Insurance against insurers, insurance producers or any other entity licensed, registered or granted a Certificate of Authority ~~or agents or brokers~~ as described in Section 926.20 of this Part. This Part also sets forth ~~above and to prescribed~~ minimum complaint record keeping requirements ~~maintenance~~. For purposes of this Part, ~~As used in the~~ ~~that~~ the word "complaint" shall mean any written communication primarily expressing a grievance.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 926.40 Complaint Handling Procedure

- a) Notification and Response Requirements
When a complaint is received by the Department of Insurance against an insurer, insurance producer, or other entity identified in Section 926.20 of this Part ~~agent or broker~~ (respondent), the respondent shall be notified of the complaint. The Department will, in its notification, specify the date when a report is to be received from the respondent which in most instances will be 21 calendar days ~~three weeks~~ after notification is sent to the respondent. ~~A failure to reply by the date specified may be followed by a collect telephone call or collect telegram.~~
- b) Contents of Response or Report or Both
1) Each respondent shall supply adequate documentation which explains all actions taken or not taken and which were the basis for the complaint;
2) Documents necessary to support the respondent's position, or information requested by the Department, shall be furnished with the respondent's reply;
3) The respondent's ~~respondent's~~ reply shall be in duplicate, but duplicate copies of supporting documents are not required;
4) The respondent's reply shall include the name, telephone number and address of the individual assigned to the complaint; ~~and~~

DEPARTMENT OF INSURANCE

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- 5) The Department will respect the confidentiality of medical reports and other documents which by law are confidential. Any other information furnished by a respondent shall be marked "confidential" if the respondent does not wish it to be released to the complainant complainant, and
- 6) The complainant and all documents submitted with the complaint or in response to the complaint are deemed confidential and will not be released to third parties.
- c) Follow-up or Conclusion
Upon receipt of the respondent's report, the Department of Insurance insurance analyst investigating-deputy will evaluate the material submitted and:
- 1) Advise the complainant of the action taken and disposition of the his complaint; or
 - 2) Pursue further investigation with the respondent or complainant; or
 - 3) Refer the complaint file investigation-report to the appropriate Division Branch within the Department of Insurance for further regulatory action.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 926.50 Maintenance of Complaint Records

Insurance companies to which this Part Rule applies shall maintain records containing the minimum information as outlined in Exhibit A and as defined in Exhibit B of this Part Rule. The complaint record shall be kept on a calendar year basis and shall be maintained for complaints received on and after January 1, 1977, and shall apply to complaints received from the Department, as well as those received directly from the consumer by the company.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 926.60 Severability Provision (Repealed)

~~if any Section or portion of a Section of this Rule or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the Rule or the applicability of such provision or circumstance shall not be affected thereby.~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 926.70 Effective Date (Repealed)

~~This Rule in its entirety shall become effective on July 1, 1976 except as~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

~~specifically stated otherwise in Section 925.50 of this Part:~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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Section 926.EXHIBIT A Complaint Record

GRAPHIC MATERIAL

See printed copy of IAC for detail

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

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Section 926.EXHIBIT B Explanation

Column

- A. Company Identification Number. As noted, this refers to the identification number of complaint and shall also include the license number or other means of identifying any licensee of the Insurance Department (such as insurance producer agent--staff--adjuster--independent-adjuster) that may have been involved in the complaint.
- B. Function Code. Complaints are to be classified by function(s) of the company involved. Separate classifications are to be maintained for underwriting, marketing and sales, claims, policyholder service and miscellaneous.
- Reason Code. Complaints are also to be classified by the nature of the complaint. The following is the classification required for each function specified above.
1. Underwriting
 - a) Company underwriting
 - b) Individual's application underwriting (this refers to any complaint where misrepresentations or declarations in the application for insurance resulted in company action involved in the complaint)
 - c) Cancellation
 - d) Recission
 - e) Non-renewal
 - f) Premiums and rating
 - g) Delays
 - h) Refusal to insure
 - i) Miscellaneous (not covered by above)
 - j) Creditable coverage re: Health Insurance Portability and Accountability Act (HIPAA)
 - k) Late enrollee (HIPAA)
 - l) Special enrollment (HIPAA)
 - m) Renewability (HIPAA)
 - 2) Marketing and Sales
 - a) General advertising
 - b) Mass marketing advertising - (advertising which is essentially directed to reach more people than in a one to one relationship)
 - c) Insurance producer Agent handling
 - d) Replacement
 - e) Dividend-illustration
 - f) Delays
 - g) Alleged misleading statement or misrepresentation
 - h) Miscellaneous (not covered by above)
 - 3) Claims
 - a) Claims procedure
 - b) Delays
 - c) Unsatisfactory settlements

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- d) Natural disaster adjusting (hurricane or flood situations or other situations ~~situation~~ which produce a large number of claims)
- e) Unsatisfactory settlement offers
- f) Denial of claim
- g) Miscellaneous (not covered by above)
- 4) Policyholder service
- a) Failure to respond
- b) Delays
- c) Return of premium
- d) ~~e~~ Miscellaneous (not covered by above)
- e) Continuation - State or Federal

5) Miscellaneous

- C. Line Type. Complaints are to be classified according to the line of insurance involved, as follows:

- 1) Automobile - Personal
- 2) Automobile - Commercial Fire
- 3) Homeowners - Farmowners - Mobile Homeowners - Dwelling
- 4) Commercial Property Crop
- 5) Inland Marine
- 6) Individual Life
- 7) Group Life
- 8) Annuities
- 9) Individual Health - Accident & Sickness
- 10) Group Health - Accident & Sickness
- 11) HMO individual or group

12) LHSO

13) ~~11~~ Workmen's Compensation14) ~~12~~ General/Professional liability liability ~~liability insurance other than~~

Automobile

15) ~~14~~ Mobile-Homeowners15) ~~14~~ Miscellaneous (not covered by above)

- D. Company Disposition After Receipt. The complaint record shall note the disposition of the complaint.

The following examples are recommended, but are not intended to be required language nor to exhaust the possibilities. These examples are taken from the form used by the State of Illinois Department of Insurance.

- 1) Corrective action was taken
 - a) Rate problem resolved
 - b) Cancellation withdrawn
 - c) Non-renewal Rescinded
 - d) Policy restored (Life/A & H)
 - e) Policy issued
 - f) Premium refunded
 - g) Additional monies paid (Claims)
 - h) Coverage extended (Claims)
 - i) Claim reopened

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- j) Claim settled
- k) Cash surrender paid
- 1) Referral approved
- m) Provider changed
- 2) No action was deemed necessary
- a) Contract provisions
- b) Questions of fact
- c) Policy not in force
- d) Cancellation upheld
- e) Non-renewal upheld
- f) Return premium correct
- g) Insufficient information (from complainant)

3) Information furnished Satisfactory-explanation was given--to--the complainant:

- E. Date Received. This refers to the date the complaint was received.
- F. Date Closed. This refers to the date on which the complaint was disposed of whether by one action or a series of actions as may be present in connection with some complaints.
- G. Insurance Department Complaint. Complaints are to be classified so as to indicate if the origin of the complaint was from an insurance department.
- H. State of Origin. The complaint record shall note the state from which the complaint originated. Ordinarily this will be the state of residence of the complainant.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Illinois Liquor Control Commission

2) Code Citation: 11 Ill. Adm. Code 100

Section Numbers:	Proposed Action:
100.10	Amendment
100.30	Amendment
100.40	Amendment
100.50	Amendment
100.60	Amendment
100.70	Amendment
100.90	Amendment
100.100	Amendment
100.110	Amendment
100.150	Amendment
100.160	Amendment
100.170	Amendment
100.180	Amendment
100.210	Amendment
100.240	Repealed
100.250	Amendment
100.270	Amendment
100.280	Amendment
100.290	Amendment
100.320	Amendment
100.350	Amendment
100.360	Amendment
100.390	New Section

4) Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(2)].

5) A Complete Description of the Subjects and Issues Involved:

Section 100.10 - Add language to clarify the definition of Manager or Agent. Delete definition of "Sampling" as now included in the Liquor Control Act. Add the definition of "Minor" taken from the last Attorney General opinion dealing with the subject.

Section 100.30 - Add that a disposition of a fine may be imposed by the Commission for violation of this Section.

Section 100.40 - Update the Section to conform with deletions in the definition Section and add that a social security number shall be required in the form submitted to the Commission. Add language indicating that an applicant must meet all eligibility requirements as stated in the statute.

Section 100.50 - Update to include the latest Federal Alcohol Administration regulations.

ILLINOIS LIQUOR CONTROL COMMISSION

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Section 100.60 - Delete any wording that is already included verbatim in the Liquor Control Act and not needed for clarification in the Section.

Section 100.70 - Update to include the latest Federal Alcohol Administration regulations. Delete the subsection requiring that alcoholic content be stated on all wine labels. Delete any wording that is already included verbatim in the Liquor Control Act and not needed for clarification in the Section.

Section 100.90 - Add what was Section 100.240(c) as Section 100.90(k) as the material is more appropriate in this Section.

Section 100.100 - Add that changes within other corporate entities licensed by the Commission shall also be reported to the Commission.

Section 100.110 - Add commas to clarify the Section.

Section 100.150 - Add language requiring the size of type to be used on labels for salvaged alcoholic liquor and language to substitute container for bottle or package to be consistent with the remaining language in that Section.

Section 100.160(b) - Update to include new systems in the marketplace. Delete any wording that is now addressed in the Liquor Control Act. Add Section 100.290(c) to this Section as it deals with the subject matter.

Section 100.170 - Add language to (b) that the section refers to (a).

Section 100.180 - Add that a disposition of a fine may be imposed by the Commission for violation of this Section. Amend "Warning Letters" to "Violation Discharge Letters" as they are currently titled.

Section 100.210 - Delete any wording that is now addressed in the Liquor Control Act.

Section 100.240 - Repeal as the Section from the Liquor Control Act which this Section interpreted or explained was repealed.

Section 100.250 - Add language detailing exceptions.

Section 100.270 - Add language detailing the invoicing and storage of the alcoholic liquor.

Section 100.280 - Delete wording that is now addressed in the Liquor Control Act.

Section 100.290 - Delete (c) and add to Section 100.160 which more appropriately deals with that subject matter.

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 100.320 - Delete any wording that is already included verbatim in the Liquor Control Act and not needed for clarification in the Section.

Section 100.350 - Add that the failure to file the transcript and/or required number of copies shall result in the appeal not being docketed for hearing.

Section 100.360 - Make additions to give a complete citation.

Section 100.390 - Add language from the Illinois Administrative Review Law regarding transcripts filed in Administrative Review cases.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments depending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Anne T. Treonis
Legal Counsel
Illinois Liquor Control Commission
100 W. Randolph St. #5-300
Chicago IL 60601
(312)814-2604

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses offering tap cleaning services will have their business reduced by one-half as this proposed amendment to Section 100.160 changes tap cleaning requirements from once a week to once every two weeks.

B) Reporting, bookkeeping or other procedures required for compliance:
Per (A) above under the proposed amendment, retail licensees will be

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required to have taps cleaned once every other week and have the systems monitored and a record kept of same once a week.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section

- 100.5 Penalties
- 100.10 Definitions
- 100.20 Employment of Minors
- 100.30 Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
- 100.40 Registration of Tasting Representatives
- 100.50 Advertising
- 100.60 Geographical Territories
- 100.70 Labels
- 100.80 Bonds (Repealed)
- 100.90 Credit to Retail Licensees
- 100.100 Internal Changes Within Corporations
- 100.110 Application Forms
- 100.120 Railroad Licenses
- 100.130 Books and Records
- 100.140 Miniatures (Repealed)
- 100.150 Salvaged Alcoholic Liquors
- 100.160 Sanitation
- 100.170 Taps
- 100.180 Procedure Before Commission on Citations
- 100.190 Procedure Before Commission on Request for Continuance of Any Hearing
- 100.200 Wagering Stamps (Repealed)
- 100.210 Inducements
- 100.220 Retail Licensee Clubs (Repealed)
- 100.230 Resumption of Business on Appeal
- 100.240 Transactions Involving Use of Checks and Their Equivalent (Repealed)
- 100.250 Transfer of Alcohol
- 100.260 Uniform Systems of Accounts
- 100.270 Multi-Use Facilities
- 100.280 Giving Away of Alcoholic Liquors
- 100.290 Refilling
- 100.300 Authorization to Remove Bottles
- 100.310 Food Service at Park Districts
- 100.320 Airplanes
- 100.330 Advertising
- 100.340 Petitions for the Adoption, Amendment or Repeal of a Rule
- 100.350 Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
- 100.360 Review on Record -- Certification of Ordinance
- 100.370 Procedures Before the Commission

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100.380 Ex Parte Consultations

100.390 Transcripts--Administrative Review Review-on-Record-----Certification of Ordinance-(Renumbered)

100.400 Procedures Before the Commission (Renumbered)

100.410 Ex Parte Consultations (Renumbered)

AUTHORITY: Implementing and authorized by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 100.10 Definitions

The following words or phrases are defined as follows:

- a) "Resident" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.
- b) "Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a Limited Liability Company as defined in subsection (m) below.
- c) "Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, executors, administrators or other personal representatives of decedents.
- d) "Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.
- e) "Partner" is any individual who is a member of a co-partnership.
- f) "Manager" or "Agent" means any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe.
- g) "Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.
- h) "Wine" means any alcoholic beverage obtained by the fermentation of

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the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in the Act, provided that the alcoholic content thereof does not exceed 24 per cent of alcohol by volume. (235 ILCS 5/1-3.03)

- i) "Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the State Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage.
- j) "Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.
- k) "Airplane" shall be deemed to include railroads and airplanes.

l) "Act" means the Illinois Liquor Control Act [235 ILCS 5].

m) "Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].

n) "Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.

o) "Event" means a single theme.

p) "Sampling" means a product offered at an off-premise retail licensee for a sales promotion of no more than the following amounts: Distilled Spirits 1/2 oz., Wine 2 oz., and Beer 6 oz.; only one product per day may be sampled and the sales promotion may not be advertised.

q) "Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like.

r) "Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the State Commission may be tasted in the following amounts: Distilled Spirits 1/4 oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40.

s) "Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee who primarily serves meals, as described in Section 100.10(n).

t) "Minor" means a person under 18 years of age. (See A.G. opinion No. S-672 12/27/73.)

(Source: Amended at 22 Ill. Reg. _____, effective

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_____)

Section 100.30 Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation

- a) No person holding a license issued by this Commission shall in the conduct of the licensed business or upon the licensed premises:
- 1) Violate any Federal law or State Statute.
 - 2) Violate any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.
 - 3) Suffer or permit a violation of any Federal law or law of the State of Illinois, or of any rule of this Commission.
 - 4) Suffer or permit a violation of the city, village, town or county ordinance or resolution regulating the sale of alcoholic liquor.
- b) Violations may be proved by evidence that the licensee has been convicted of a violation of a Federal law or a law of the State of Illinois in the conduct of the licensed business or upon the premises, or has been found guilty of violating any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.
- c) Proof before this Commission of facts which establish a violation of any Federal law, state statute, city, village, town or county ordinance or resolution or rule of this Commission, shall be sufficient cause for imposing a fine, revocation or suspension of any license issued by the Commission, irrespective of whether or not a conviction has been obtained in any court.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.40 Registration of Tasting Representatives

- a) Any non-licensee wishing to conduct a tasting pursuant to Section 100.10(q) must register with the State Commission. A registered tasting representative acts as the agent of the licensee.
- b) Registration is fulfilled by submitting a Commission form including the name, address, social security number and telephone number of the registrant; name, address and telephone number of the licensee for which the registrant will be acting and any other licensee being represented; and a \$100 administrative fee payable annually to the Commission. Registration shall be completed at least 14 days prior to the initial tasting. Any application received less than 14 days prior to the initial tasting will be assessed a \$25 late fee.
- c) Registration identification, or a copy thereof, must be available for inspection during a tasting.
- d) Any applicant must meet all eligibility requirements as stated in 235

ILCS 5/6-2.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.50 Advertising

a) General Requirements:

Federal Alcohol Administration Regulation No. 4 relating to the advertising of wine (27 CFR E-P-R- Section 4 (1998) †1997†, no subsequent dates or editions), Federal Alcohol Administration Regulation No. 5 relating to the advertising of distilled spirits (27 CFR E-P-R- Section 5 (1998) †1997†, no subsequent dates or editions) and Federal Alcohol Regulation No. 7 relating to the advertising of malt beverages (27 CFR E-P-R- Section 7 (1998) †1997†, no subsequent dates or editions), are hereby adopted and made a part of this Section for advertising of wine, distilled spirits and malt beverages insofar as the federal regulations are not contrary to, or inconsistent with, the provisions of the laws of Illinois or this Part.

b) Advertising:

- 1) No licensee, or the agent or representative thereof, may advertise any alcoholic beverage in any medium intended for circulation, viewing or listening within this State unless such advertisement is in conformity with the provisions of this Part.
- 2) Such advertisement shall conform to the approved label upon the immediate container of the alcoholic liquor so advertised.
- 3) Such advertisements shall not contain illustrations of children nor shall they make use of any material which would make a special appeal to juveniles.
- 4) Such advertisements shall not contain any material which is false or untrue in any respect.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.60 Geographical Territories

a) Every ~~manufacturer, distributor, importer or nonresident dealer who owns or controls the trademark brand or name of any alcoholic liquor sold or intended for sale in Illinois, shall register with the Commission the names of all persons to whom the right is granted to sell or distribute alcoholic liquor at wholesale, specifying the trade mark, brand or name of the alcoholic liquor and the geographical territory or territories for which such distributing rights have been given.~~ A copy of the Registration Statement and Withdrawal of Registration filed with the Commission shall be sent certified or registered mail to all those listed thereon to serve as notice of the contents.

b) No such registration shall be made by any one other than the manufacturer, distributor, importing distributor, foreign importer or

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nonresident dealer owning or controlling such trade-mark, brand or name.

- c) No distributor, importing distributor or foreign importer shall sell, purchase, receive or distribute at wholesale in Illinois, or shall transport or cause to be transported for sale at wholesale in Illinois any alcoholic liquor, bearing any such trade-mark, brand or name outside of the respective geographical territory for which distributing rights have been given such distributor, importing distributor, or foreign importer as registered with the Commission in accordance with the provisions hereof.
- d) No retailer may, knowingly purchase or receive for sale at retail any alcoholic liquor, bearing any such trade-mark, brand or name from any distributor not having distributing rights in the geographical area in which the place of business of such retailer is situated.
- e) No manufacturer, distributor, importing distributor, foreign importer or nonresident dealer shall willfully fail to register with the Commission as herein provided.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.70 Labels

a) No manufacturer, nonresident dealer, distributor or importing distributor shall sell or deliver any package or container containing alcoholic liquor manufactured or delivered by such person unless the same is labeled in conformity with this Section.

b) General Requirements and Restrictions:

- 1) Federal Alcohol Administration Regulations Nos. 4, 5 and 7 relating to the labeling of wine, distilled spirits and malt beverages (27 CFR Sections E-P-R-Section 4, 5, and 7, April 1998†1997†, not including any later amendments or editions), are hereby adopted and made a part of this Section for labeling every package or container of wine, distilled spirits and malt beverages, with the following exception exceptions: A)-Wine wine includes all products as defined in Section 1-3.03 of the Act [235 ILCS 5/1-3.03] and Section 100.10(h) of this Part.

B) Atcoholic-content-must-be-stated-on-all-wine-labels

- 2) The aforesaid regulations shall apply to wine, distilled spirits and malt beverages packaged purely for intrastate commerce within the State of Illinois to the same extent as though intended for interstate or foreign shipment.
- 3) No manufacturer, nonresident dealer, distributor or importing distributor shall affix any label to any package or container containing alcoholic liquor for sale or delivery in the State of Illinois until such label has been submitted to and approved by the federal government. Such manufacturer, nonresident dealer, distributor or importing distributor shall submit to the Illinois

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Liquor Control Commission a photostatic copy of the federal label approval.

4) ~~N5-package-or-container-containing-alcoholic-liquor--labeled-as "Whiskey"-or-"ginu"-may-be-imported-into-delivered-or-sold-in-the State-of-Illinois-unless-the-entire-alcoholic-content-thereof except-flavoring-materials-is-a-distillate-of-fermented-mash--of grain--or-mixtures-of-grains--Packages-or-containers-of-alcoholic liquor-of-the-type-of--Whiskey--or--gin--not--conforming--to--the requirement--must--be--labeled--"imitation-whiskey"-or--"imitation gin"-as-the-case-may-be-~~

4)5) Wine Labels

A) Wine labels must contain the name and address of the manufacturer or the bottler of the product.

B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

5)6) Malt Beverage Labels

A) Malt beverage labels must contain the name and address of the brewery which manufactured or canned or bottled the product.

B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

6)7) Distilled Spirits Labels

A) Labels of all alcoholic liquors other than wine and malt beverages must contain either the phrase "Bottled By" or "Distilled By" (or other descriptive identification of the manufacturer of the product) followed by the name and address of the bottler or manufacturer, as the case may be.

B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

7)8) No statement of age shall be made with respect to gins, cordials, liqueurs or specialties.

8)9) The Commission shall withhold approval of any label if it has reasonable cause to believe that the wording or design contained on the label may, in any manner, tend to deceive the purchaser as to the true nature of such alcoholic liquor.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.90 Credit to Retail Licensees

The following rule shall govern in the application of the provisions of Section

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6-5, of the Act [235 ILCS 5/6-5] relating to extension of credit to retail licensees by manufacturers, distributors and importing distributors:

a) Where two or more retail licensees are controlled by common ownership and one or more of the retail licensees becomes delinquent, then, and in such event, all retail licensees under said ownership shall be deemed delinquent.

b) In totaling the 30 day period for the purpose of determining the delinquency of a retail licensee, the first day shall be the day immediately following the date of the invoice of the purchase in question, and all successive days shall be included, Sunday as well as holidays, up to and including the thirtieth successive day.

c) Payment by check on or before the thirtieth day following the date of the invoice shall be considered payment, providing said check is deposited and cleared within the period prescribed by the ordinary course of business.

d) Where a bona fide sale of a retail business occurs, the purchaser shall not be deemed delinquent because of the delinquency of said purchaser's predecessor in interest; however, in the event there is a continuity of interest, direct or indirect, between the seller and the purchaser, the latter shall be deemed delinquent in the same manner, and to the same extent, as was the seller.

e) Where there exists a bona fide dispute between the retail licensee and the wholesale licensee as to the fact of payment of a given sale, such sale in itself shall not be deemed sufficient grounds for considering the retail licensee delinquent.

f) Where a retail licensee pays a salesman, or other agent of the wholesaler, such payment shall be deemed effective upon the receipt of the money, or check by said salesman or other agent.

g) Where a retail licensee is deemed delinquent and, therefore, not able to purchase for cash, or otherwise, any alcoholic liquors, the retail licensee may nevertheless, purchase beer for cash.

h) Payment received from a delinquent retailer after the first business day of the calendar week and before a verified written statement of delinquency has been submitted to the State Commission will entitle the manufacturer, importing distributor or distributor submitting said list to delete that retailer's name from said list.

i) Determinations of delinquency or non-delinquency shall be made by the Chairman, Executive Director or any individual so authorized by the Chairman or Executive Director on the basis of the verified report of delinquency and any affidavits or counter-affidavits before him or her. Any licensee objecting to such determination may request the Commission in writing for a hearing which will be set at the next regularly scheduled meeting of the Commission.

j) A copy of any verified written list of delinquencies shall be simultaneously forwarded to those licensees listed therein by the manufacturer, importing distributor or distributor submitting such list.

k) Payment in cash by the retail licensee shall mean payment in legal

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tender as provided by the United States Code, checks (including certified checks, cashier's checks, teller's checks or traveler's checks), debit cards, drafts and electronic transfer of funds, provided the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquor.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.100 Internal Changes Within Corporations

All corporations, partnerships, co-partnerships, limited liability companies, or other non-natural "persons" licensed by the Illinois Liquor Control Commission must report within 30 days, to the said Illinois Liquor Control Commission, all internal changes in the said corporation, partnership, co-partnership, limited liability company, or other non-natural "person," pertaining to change of name, officers, directors and stockholders holding in the aggregate more than five percent of the said corporation stock, and shall include the name, home address, sex, date of birth, social security number, position and percentage of ownership (if any) not previously reported. In the event that the ownership of the licensee corporation, partnership, co-partnership, limited liability company, or other non-natural "person" licensed by the Illinois Liquor Control Commission is by another or other such corporations, partnerships, co-partnerships, limited liability companies, or other non-natural "person," such licensee must report the name, home address, sex, date of birth, social security number, position and percentage of ownership (if any) of the individuals holding in the aggregate more than a five percent ownership interest in the corporation, partnership, co-partnership, limited liability company, or other non-natural "person."

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.110 Application Forms

At least one person eligible to be issued, and to sign the application for, a liquor license must be 18 years of age or older (e.g., officer, director, stockholder, manager, agent or partner).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.150 Salvaged Alcoholic Liquors

- a) Insurance companies or their duly authorized representatives may take possession of alcoholic beverages insured by such companies and damaged as a result of flood, wreck, fire or similar occurrence, for which insurance was provided.

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- b) Common carriers or their duly authorized representatives may take possession of alcoholic beverages transported by such carrier and damaged in transit.
- c) Alcoholic beverages salvaged as in paragraphs a and b may be sold to retail licensees provided the conditions enumerated below shall have been complied with. Alcoholic beverages so salvaged shall be referred to as "distressed merchandise".
- d) Each container of alcoholic beverages sold pursuant to this rule shall be labeled to identify such goods as distressed merchandise. The letters on the label shall be no smaller than pica type, ~~and shall be bold faced, not less than 12 point.~~ The label shall be no less than two inches long and one inch wide, and shall be affixed diagonally over the regular label on each container ~~bottle or package~~ prior to delivery to any retail licensee. The label once applied shall not be capable of removal without damaging the label or causing damage to the underlying product label. The following statement shall be printed on the label: "The alcoholic beverages contained herein have been designated distressed merchandise by the Illinois Liquor Control Commission. This container has been salvaged from a fire, flood, wreck or similar catastrophe. This label is not affixed by the manufacturer. Do not remove this label."
- e) Any insurance company, common carrier or representative of either, seeking to sell distressed merchandise shall first obtain a distributor's license from the Illinois Liquor Control Commission. The application shall provide, "The applicant seeks to sell distressed merchandise in Illinois." Retailer's licenses may also be applied for, if the insurance company, common carrier or representative of either seeks to sell alcoholic liquors to consumers in Illinois.
- f) Alcoholic beverages so salvaged outside of Illinois may not be imported into Illinois for purposes of sale pursuant to this rule. Prior to release of distressed merchandise for sale in Illinois, an affidavit by the insurance company's or common carrier's authorized representative must be presented to the Commission stating first hand knowledge that the distressed merchandise was salvaged from a fire, flood, wreck or similar catastrophe which occurred within the State of Illinois, stating with particularity the time, place and nature of the occurrence, and a complete inventory of the items so salvaged as the quantity, brand names and container sizes.
- g) In the event the tax provided under Sections 8-1 through 8-14 of the Act [235 ILCS 5/8-1 through 8-14] is unpaid on the distressed merchandise, the applicant shall make payment of the tax on such merchandise to the Department of Revenue, and evidence of payment must be presented to the Commission prior to release of such distressed merchandise for sale in Illinois.
- h) It shall also indicate on its letter of application to sell such distressed merchandise in Illinois, whether the sale shall be by auction or to a designated licensee. If the sale shall be by auction, the time and place of the auction and the name of the auctioneer or

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other person authorized to sell such distressed merchandise shall be listed. If the sale is to be made directly to a given licensee or licensee, the name and address of the licensee or licensee, together with the current State retail liquor license number of such licensee or licensee shall be listed. No sale may be made by auction to any person, firm or corporation not licensed under the provisions of the Act.

- i) Written approval and release for sale made hereunder must first be obtained from the Commission. Approval and release as aforesaid shall not be issued until a physical inspection has been made of the merchandise by an authorized representative of the Commission in order to determine that compliance has been had with the provisions of this Rule. After any sale of distressed merchandise shall have been completed, the insurance company, common carrier or their representative shall report in writing to the Commission the name of the licensee or licensee who have purchased the distressed merchandise, the quantities and brand names of such distressed merchandise.
- j) In the event that the insurance company, common carrier by this sale, disposed of less than the entire inventory of distressed merchandise, the written report shall list the remaining inventory, indicating the quantity, container sizes and brand names, the place where such inventory is stored, and the person in control of possession of such inventory.
- k) No distressed merchandise shall be sold in Illinois where the original packages shall have been so damaged as to render the label thereon illegible, or when the substantive labeling requirements under Section 6-7 of the Act [235 ILCS 5/6-7] and under Section 100.70 are not complied with as a result of the damage to the container.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.160 Sanitation

- a) All licensees must conduct their business in premises which are at all times kept clean and sanitary. This applies not only to licensed premises, but to places of storage as well. This includes also the place of storage for materials and equipment used in the manufacture of alcoholic liquor.
- b) Each retailer, not using one of the systems hereinafter referred to, dispensing draught beer or wine shall have coils and other equipment used in drawing draught beer or wine cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. Retailers utilizing systems such as "glycol," "constant cold," "electronic," or "constant cleaning," which are designed to prevent build-up of contaminants in the dispensing system, shall be required to have coils and other

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equipment used in drawing draught beer or wine cleaned at least once every two weeks in some manner or means, either chemical or mechanical, and monitor the operation of the system to determine it is operational and to verify its proper functioning, at least once every week. A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning and monitoring.

- c) ~~Any manufacturer, importing distributor or distributor who pays for the cleaning of coils of any retailer is in violation of 235 ILCS 5/6-5.~~
- d) No retail licensee shall offer for sale or possess on the licensed premises any bottles, casks or other containers of alcoholic liquor which contain any deleterious, contaminated, filthy, putrid substance or insects.
- e) No licensed manufacturer or importing distributor shall fill or refill any container of alcoholic liquor unless such person possesses upon the licensed premises adequate and sanitary equipment for cleaning, washing and sterilizing such container, and use such equipment before filling or refilling a container.
- f) Pre-mixed alcoholic beverages and their containers must comply with all sanitation requirements as found in this Section, along with all prohibitions against refilling as found in Section 100.290(c). All pre-mix dispensing containers or systems must be drained, contents disposed of, and thoroughly cleaned at least once every week. For mechanical systems a record shall be kept on the premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.170 Taps

- a) Each retail licensee selling malt beverages or wine on draught for consumption on the premises, shall display a sign on, over or near each tap or faucet showing the trade-mark, brand or name of alcoholic liquor. This sign must be visible to patrons for a distance of at least ten feet unless it is a service bar as defined in Section 100.10(f).
- b) Pursuant to subsection (a) of this Section, no licensee shall substitute any other brand of malt beverages or wine in place of the brand designated by such visible sign and the licensee shall be prepared at all times to serve any malt beverages or wine that are advertised by such sign or signs upon the premises.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 100.180 Procedure Before Commission on Citations

a) This Commission shall have the right to proceed by citation and notice of hearing, to require any licensee of the Commission to appear at a time and place specified in the notice to show cause why its State liquor license should not be suspended or revoked or a fine imposed for violations of the Illinois Liquor Control Act or the Rules or Regulations issued pursuant thereto.

This Commission shall also have the right to proceed by citation and notice of hearing against a licensee for failure to respond to any Illinois Liquor Control Commission correspondence. This correspondence shall include but is not limited to any Violation Discharge Warning Letters, Offers in Compromise, and Pre-Disciplinary Conferences.

b) All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to have been violated and the facts in detail upon which such allegation is based and shall be signed by the Chairman or any member of the Commission.

c) The licensee against whom complaint has been filed shall be entitled to be served with a copy of the complaint or citation and shall be given notice of the time and place set for the hearing of the complaint.

d) Said citation and notice of hearing shall be served on the licensee named therein not less than ten-4 10 days prior to the date specified in the notice of hearing.

e) Said licensee named in the citation and notice of hearing shall appear at the time and place designated in the citation and notice of hearing.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.210 Inducements

a) Distributors servicing, balancing, or inspecting draft beer or wine systems at regular intervals, and providing labor to replace or install rods, taps, faucets, fittings and lines in draft beer or wine dispensing equipment shall not be considered a subsidy. However, free cleaning of coils by a Distributor or by a company whose services are paid for by a Distributor shall be considered a subsidy, or something of value, in violation of Sections 6-5 and 6-6 of the Act (235-1BES 5/6-5 and 6-6):

b) Courtesy Wagons and/or coil boxes and pumps may be supplied by a Distributor free of charge one time per year for a one day period to a retail liquor licensee for picnics held by the retailer for the retailer's customers. However, this is not to be construed to mean that free beer or wine may also be supplied to a retail licensee.

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c) Courtesy Wagons and/or coil boxes and pumps may be supplied by a Distributor for a picnic, carnival or social event that is given by or under the auspices or sponsorship of a municipal, religious, charitable, fraternal or social organization and that will be licensed as a Special Event Retailer. However, this is not to be construed to mean that free beer or wine may also be supplied to a retail licensee.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.240 Transactions Involving Use of Checks and Their Equivalent (Repealed)

a) No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store or in exchange for any goods, wares or merchandise, or in payment for any services rendered, the use, however, of money orders, traveler's checks, drafts or checks or the equivalent of any of the foregoing shall not be deemed the extension of credit within the meaning of the foregoing provisions if not postdated and if deposited and collected in due course promptly.

b) The use of credit cards or other authorizations, irrespective of form when presented to and honored by a retail licensee for payment for alcoholic liquor consumed at retail on the premises, shall be deemed equivalent to the use of bank checks or bank drafts if the retail licensee honoring such credit cards or authorizations receives payment in due course from such agency on a non-recourse basis.

c) Payment in cash by the retail licensee shall mean payment in legal tender as provided by the United States Code (including certified checks, cashier's checks, teller's checks or traveler's checks), drafts and electronic transfer of funds provided the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquor.

d) The use of identification cards issued by a retail licensee when presented to and honored by a retail licensee for payment for obtaining alcoholic liquor shall be deemed equivalent to the use of bank checks or bank drafts if the retail licensee honoring such identification cards or authorizations has on file for all card holders a current valid major credit card if payment for the alcoholic beverages is not received in due course from the card holder, then the retail licensee must charge the current valid major credit card in its file.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 100.250 Transfer of Alcohol

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The holder of a retail license for the privilege of selling alcoholic liquors at retail on the premises specified in such license, for use or consumption, is hereby restricted to such sale from the licensed premises only and is not permitted to sell to, purchase from or transfer such alcoholic liquor to any other retail licensee or licensed premises. This Section does not apply to transactions not in the ordinary course of business, such as a business closure, if prior approval is given by the Commission.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.270 Multi-Use Facilities

A multi-use facility, such as a hotel, conference center, stadium, and theater, which has been issued more than one local and State liquor license but has an identical Illinois Business Retailer's Occupational Tax number, may store alcoholic liquor at one central location within the multi-use facility. The alcoholic liquor shall be invoiced and stored separately within the central location by State liquor license number for investigative purposes.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.280 Giving Away of Alcoholic Liquors

- a) No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- b) No licensee, individual, partnership, or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (a) of this Section above. This includes, but is not limited to, advertisements using the words "free" or "complimentary" with alcoholic liquor.
- c) Subsection (a) above shall not apply to sampling test marketing or tasting.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.290 Refilling

No retail licensee shall offer for sale, or possess on the said licensed premises:

- a) Any original package of alcoholic liquor which contains any kind or quality of alcoholic liquor other than that which has been sealed and labeled by the manufacturer or nonresident dealer of alcoholic liquor, to contain and to convey the said alcoholic liquor.

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- b) Any original package of alcoholic liquor to which there has been added any water or other substance.
- c) Any bottles, cases, or other containers containing alcoholic liquor which contain any deleterious, contaminated, filthy, putrid substance or insects.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.320 Airplanes

The holder of an airplane license issued by the Commission shall be permitted to do the following: (a) To import alcoholic liquors from any point in the United States outside of the State of Illinois, and to store the alcoholic liquors in the State; (b) To import and purchase alcoholic liquors directly from non-resident dealers, manufacturers, producers, foreign importers, distributors and importing distributors from within or outside of the State of Illinois, and to store the alcoholic liquors in the State; (c) To make such purchases purchase alcoholic liquor whether from non-resident dealers, manufacturers, importing distributors, distributors, or foreign importers within the State of Illinois or outside of the State of Illinois on a non-tax paid basis and to file with the Department of Revenue of the State of Illinois, as may be required by the Department, a bond and monthly liquor gallonage reports, and make payment of gallonage tax due for those alcoholic liquors sold or dispensed in the State of Illinois. All of this to be done in accordance with and in conformity with the procedures and standards as set forth in Sections 8-1, 8-2, and 8-3 of the Act [235 ILCS 5/8-1, 8-2, and 8-3].

- d) All such privileges as set forth in subsections (a) through (c) of this Section shall be exercised only in connection with the importation, purchase, or storage of alcoholic liquors to be used in connection with the sale or dispensing of alcoholic liquors on an airplane.

- e) The holder of an airplane license shall not sell for resale any alcoholic liquors to any licensee within the State of Illinois.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.350 Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25]:

- a) In all cases where an appeal from an order or action of the local liquor control commissioner is filed with this Commission, the party filing the appeal shall furnish, along with the petition to appeal:

- 1) a copy of the citation and notice of hearing before the local liquor control commissioner, if any;

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- 2) a copy of the decision or order of the local liquor control commissioner;
- 3) a copy of any local ordinances charged to be violated;
- 4) the current State Retail Liquor License number of the establishment involved;
- 5) a statement indicating whether or not the licensee has, within the last 12 month period, had a suspension or revocation placed upon the said licensee, and if so, all the details relating thereto.
- b) In all cases where an appeal is to be heard upon the record, a certified official record of the proceedings taken and prepared by a certified court reporter, along with all exhibits, shall be filed by the local liquor control commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the transcript and five additional copies. The failure to file the certified official record of the proceedings before the local liquor control commissioner, without sufficient written explanation, shall result in the appeal not being docketed for hearing, as originally scheduled, or as continued by the Commission.
- c) The parties shall file six copies of any documents filed in connection with the said appeal. The failure to file six copies of any document to be considered by the Commission shall result in the appeal not being docketed for hearing, as originally scheduled, or as continued by the Commission.
- d) Upon notice to the local liquor control commissioner that an appeal has been accepted by this Commission, Section 100.230 of the Illinois Liquor Control Commission shall become effective, when applicable.
- e) All materials filed with this Commission shall be served upon the opposing party, or parties in interest.
- f) Proof of service upon the opposing party or parties in interest shall accompany all materials filed with this Commission and served upon such parties. All documents shall be served upon the Commission by:
 - 1) Personal delivery;
 - 2) United States mail, enclosed in an envelope, plainly addressed, with postage prepaid;
 - 3) Via facsimile machine, provided original documents with appropriate copies are also served via subsection (f)(1) or (2).
- g) All material filed with this Commission shall be filed at James R. Thompson Center, 100 West Randolph Street, Room 5-300, Chicago, Illinois 60601 or 222 S. College Street, 1st Floor, Springfield, Illinois 62704.
- h) The inability of any party to comply with the foregoing requirements shall be detailed in written communication to the Commission.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Pursuant to Sections 3-12, 3-13 and 7-69 of the Act [235 ILCS 5/3-12, 3-13 and 7-69] and the Illinois Administrative Procedure Act [5 ILCS 100]:

- a) In all cases where an appeal shall be on the record pursuant to the requirements of Section 7-9 of the Act [235 ILCS 5/7-9], the Local Liquor Control Commissioner shall file with this Commission a certified copy of the ordinance or resolution adopted which requires that review shall be on the record.
- b) Once such a certified copy is so filed with this Commission, it shall serve as proof of the resolution for all subsequent appeals from that local, upon a certified representation, signed by the Local Liquor Control Commissioner that the resolution is currently in force and effect as applied to the pending matter.
- c) All parties may also stipulate that review shall be on the record.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.390 Transcripts--Administrative Review Review--on--Record--
Certification of Ordinance (Renumbered)

Pursuant to Section 7-11 of the Illinois Liquor Control Act [235 ILCS 7-11] and Section 3-109 of the Illinois Administrative Review Law [735 ILCS 5/3-109], any party seeking judicial review of any order of the Commission shall pay the cost of the transcripts of such hearings conducted by the Commission which shall become a part of the official record. The party requesting Administrative Review in the Circuit Court shall pay to the Commission the costs of preparing and certifying the record of the proceedings before the Commission, and the failure to make that payment prior to the time the Commission's answer to the complaint is due, shall relieve the Commission of the necessity of filing the answer required in Section 3-108 of the Administrative Review Law and shall be authority for the entry of an order by the court, on motion therefore by the Commission, dismissing the complaint with costs.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Clinical Social Work and Social Work Practice Act

2) Code Citation: 68 Ill. Adm. Code 1470

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1470.10	Amendment
1470.20	Amendment
1470.60	Amendment
1470.80	Amendment
1470.90	Amendment
1470.95	Amendment
1470.96	Amendment
1470.97	New Section

4) Statutory Authority: Clinical Social Work and Social Work Practice Act [225 ILCS 20]

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-0150 included the reauthorization of the Clinical Social Work and Social Work Practice Act; this proposed rulemaking updates the rules to conform to that reauthorization. Section 1470.20 clarifies the supervision requirement while obtaining professional experience, while Section 1470.95 limits the continuing education (CE) that can be obtained through self-study courses to half of the required hours and clarifies the process for obtaining approval for out-of-state CE. Section 1470.97 clarifies in what manner a licensed social worker can provide clinical social work services. Various other technical and clean-up changes are also included.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786

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217/785-0813

Fax: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing social work services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Social work skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1470

CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

Section	
1470.5	Grandfather Provisions (Repealed)
1470.7	Temporary License (Repealed)
1470.10	Application for Licensure Applications
1470.20	Professional Experience
1470.30	Approved Colleges, Universities, and Graduate Schools of Social Work Programs
1470.40	Employer's Affidavit (Repealed)
1470.50	Admission to Examination (Repealed)
1470.55	Fees
1470.60	Endorsement
1470.70	Examinations
1470.80	Restoration
1470.90	Renewals
1470.95	Continuing Education
1470.96	Unethical, Unauthorized and Unprofessional Conduct
1470.97	Independent Practice of Clinical Social Work
1470.100	Granting Variances

AUTHORITY: Implementing the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; amendment effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 3992, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at 16 Ill. Reg. 7009, effective April 16, 1992; amended at 18 Ill. Reg. 2370, effective January 28, 1994; amended at 20 Ill. Reg. 4323, effective February 28, 1996; amended at 22 Ill. Reg. 3875, effective February 5, 1998; amended at 22 Ill. Reg. _____, effective _____.

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Section 1470.10 Application for Licensure **Applications**

Each applicant seeking original licensure under Section 7 of the Act shall file an application, with the Department, on forms provided by the Department--at least-90-days--prior-to-an-examination-date. The application shall include:

- a) for a Licensed Clinical Social Worker
 - 1) either:
 - A) certification of graduation from a master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part; or
 - B) certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part;
 - 2) proof of successful completion of the examination set forth in Section 1470.70 (The examination scores shall be submitted to the Department directly from the reporting entity.);
 - 3) a complete work history since receipt of master's or doctorate degree education; and
 - 4) the required fee set forth in Section 1470.55 of this Part ~~of the Act.~~
 - b) for a Licensed Social Worker
 - 1) either:
 - A) certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or
 - B) certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3 years of supervised professional experience in accordance with Section 1470.20 of this Part;
 - 2) proof of successful completion of the examination set forth in Section 1470.70 (The examination scores shall be submitted to the Department directly from the reporting entity.);
 - 3) a complete work history since baccalaureate or master's degree education; and
 - 4) the required fee set forth in Section 1470.55 of this Part ~~of the Act.~~
- 5) Individuals applying for a Licensed Social Worker license who have successfully completed Part 2-Level B of the American Association of State Social Work Boards (AASSWB) examination subsequent to October 1986 shall not be required to retake the Part 2-Level B AASSWB

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examination to be eligible for licensure. ~~Those individuals shall file an application for examination along with their examination grades which shall be forwarded to the Department directly from the testing service.~~

- c) Persons who were registered and in good standing as of December 31, 1988, under the Social Workers Registration Act, who do not hold a degree in social work, and who are applying to take Part 2-Level B AASSWB examination, shall complete the application along with the work history form since baccalaureate degree education. These persons shall be required to take and pass Part 2-Level B of the AASSWB examination before a social worker license will be issued.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.20 Professional Experience

- a) Persons applying for licensure as a Licensed Clinical Social Worker shall be required to complete supervised professional experience pursuant to Section 9 of the Act and this Part. ~~as follows:~~

- 1) Persons ~~persons~~ holding a master's degree in social work shall have completed 3000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 2) Persons ~~persons~~ holding a doctorate degree in social work shall have completed 2000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 3) The required ~~the specified~~ number of hours may have been obtained in the following manner increments:

- A) for full-time experience a minimum of 30 hours per week but not more than 40 hours per week.
- B) for part-time experience a minimum of 15 hours per week but not more than 29 hours per week.

- 4) Supervised experience shall be experience directly related to clinical social work practice as defined in Section 3(5) of the Act:

- A) The supervisor shall have met with the applicant at least one hour each week to discuss client cases and treatment procedures.
- B) Until December 31, 1994, the supervisor shall have been a certified social worker registered under the Social Workers Registration Act with clinical experience, a licensed clinical social worker, a diplomate in clinical social work, a designated member of the Academy of Certified Social Workers (ACSW), a Board certified psychiatrist, a licensed clinical psychologist, a supervisor from another state who is a clinical professional credential at the highest level required by that state or other appropriate clinical supervisor as approved by the Social Work Examining and

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Disciplinary Board (the "Board"). In determining other appropriate supervisor, the Board shall consider, but not be limited to, the following: unavailability of a person licensed under the Act, the setting in which the supervision took place, and the credentials and job responsibilities of the supervisor.

- C) After January 1, 1995, only experience supervised by a licensed clinical social worker will be acceptable to meet the professional experience requirement. If supervision was in another jurisdiction in which clinical social workers are not licensed, the supervisor shall have been engaged in clinical social work and be credential at the highest level required by that state.
- D) The experience shall have been evaluated by the supervisor as satisfactory.

- E) An applicant may contract with a licensed clinical social worker to provide supervision.

- F) Supervision may be provided within an agency of employment or outside the agency.

- G) Supervision may be paid or unpaid.

- H) Supervision may be on an individual or group basis. When group supervision is provided the number of supervisees may not exceed five.

- b) Persons applying as a for Licensed Social Worker who have a baccalaureate degree in social work shall complete ~~three-~~ 3 years of supervised professional experience subsequent to obtaining the baccalaureate degree. For purposes of this subsection, supervised professional experience is that experience directly related to social work as defined in Section 3(9) of the Act. The experience shall be:

- 1) obtained under the direct supervision of a certified social worker registered under the Social Workers Registration Act, licensed clinical social worker, licensed social worker, diplomate in clinical social work, designated member of ACSW or other appropriate supervisor as approved by the Board.
- 2) satisfactory as evaluated by the supervisor. The supervisor shall have met with the individual at least one hour each week.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.60 Endorsement

Each applicant seeking licensure under Section 15 of the Act shall file an application, with the Department, on forms provided by the Department. The application shall include:

- a) for a Licensed Clinical Social Worker
 - 1) either:
 - A) certification of graduation from a master's degree program

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in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 of this Part; or

B)2 certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 of this Part;

2)3 a complete work history since receipt of master's or doctorate degree education;

3)4 successful completion of the AASSWB examination set forth in Section 1470.70 of this Part;

4)5 a copy of the Act and rules in effect at the time of original licensure; and

5)6 the required fee set forth in Section 1470.55 of this Part 13)1 of the Act.

b) for a licensed Social Worker

1) either:

A)1 certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or

B)2 certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of three (3) years of supervised professional experience subsequent to receipt of degree in accordance with Section 1470.20 of this Part;

2)3 a complete work history since receipt of baccalaureate or master's degree education;

3)4 successful completion of the AASSWB examination set forth in Section 1470.70 of this Part;

4)5 a copy of the Act and rules in effect at the time of original licensure; and

5)6 the required fee set forth in Section 1470.55 of this Part 13)1 of the Act.

c) The Department, upon recommendation of the Board, shall issue a license if a review of the application indicates that the application meets the requirements set forth in subsection (a) or (b) above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.80 Restoration

a) A licensee seeking restoration of a his license (Licensed Clinical

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Social Worker or Licensed Social Worker) which has been on inactive status for 5 years or less than 5 years shall have the his license restored by making application to the Department and by paying the current renewal fee set forth in Section 1470.55 of this Part 13)3 of the Act. A After November 30, 1993, a licensee seeking restoration of a license shall be required to submit proof of 30 hours of continuing education in accordance with Section 1470.95. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.

b) A licensee seeking restoration of a his license (Licensed Clinical Social Worker or Licensed Social Worker) which has been expired for less than 5 years or less shall have the his license restored by making application to the Department and paying \$20 plus all lapsed renewal fees pursuant to Section 1470.55 of this Part 13)1 of the Act. A After November 30, 1993, a licensee seeking restoration of a license shall be required to submit proof of 30 hours of continuing education in accordance with Section 1470.95. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.

c) A licensee seeking restoration of a his license (Licensed Clinical Social Worker or Licensed Social Worker) after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with:

1) Either:

A)1 Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the said active practice; or

B)2 An affidavit attesting to military service as provided in Section 11 of the Act. If application is made within two years after of discharge and if all other provisions of Section 11 of the Act are satisfied, the licensee will not be required to pay a restoration fee or any lapsed renewal fees; or

C)3 Proof of passage of the examination described in Section 1470.70 of this Part within the twelve months preceding application; and

2)4 The required fees pursuant to Section 1470.55 of this Part 13)1 of the Act.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his/her license (Licensed Clinical Social Worker or Licensed Social Worker) will be required to:

- 1) provide such information as may be necessary; and/or
- 2) appear for an interview before the Board to explain such

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relevance or sufficiency, clarify information given or clear up any discrepancies in information.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.90 Renewals

- a) Every license issued under the Act shall expire on November 30 of each odd numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 1470.55 of this Part ~~1343~~ ~~of the Act~~ and complying with the continuing education requirements set forth in Section 1470.95 of this Part.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.95 Continuing Education

- a) Continuing Education Hours Requirements
- 1) ~~Every Beginning--with the November 30, 1993, license renewal--and every renewal thereafter--every~~ licensee who applies for renewal of a license as a social worker or clinical social worker shall complete 30 hours of continuing education (CE) relevant to the practice of social work or clinical social work.
 - 2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.
 - 3) CE requirements shall be the same for licensed social workers and licensed clinical social workers.
 - 4) One CE hour shall equal one clock hour.
 - 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 6) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 7) Social workers or clinical social workers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ("program") that is offered

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or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3) and (4) below.

- 2) CE credit also may be earned for completion of a self-study course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each self-study course shall include an examination. After the November 30, 1999 renewal, a maximum of 15 CE hours per prerenewal period may be earned for completion of self study courses.
- 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of social work related courses that are a part of the curriculum of a college, university or graduate school of social work.
- 4) CE credit may be earned for verified teaching in a college, university or graduate school of social work approved in accordance with Section 1470.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
- 5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or ~~audio-visual~~ presentation dealing with social work or clinical social work may be claimed as 5 hours of credit. A presentation must be before a professional audience of ~~social-workers, clinical-social-workers, psychologists--or--professional-counselors~~. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation or any other group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking approval as CE sponsors shall file an application, on forms supplied by the Department, along with the \$500 application fee specified in Section 1470.55 of this Part. ~~(State--agencies--State--colleges--and--State--universities--in Illinois--shall--be--exempt--from--paying--this--fee--)~~ The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;

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- B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9);
- C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of social work or clinical social work;
 - B) Foster the enhancement of general or specialized social work or clinical social work practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.
- 6) All programs given by approved sponsors shall be open to all licensed social workers and licensed clinical social workers and not be limited to members of a single organization or group.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each shall submit to the Department by November 30 of each odd-numbered year a renewal application, the renewal fee specified in Section 1470.55 of this Part a \$90-fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) **Certification-of-Attendance-** It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - 1) The name, address and license number of the sponsor;
 - 2) The name and address of the participant;
 - 3) A brief statement of the subject matter;
 - 4) The number of hours attended in each program;
 - 5) The date and place of the program; and
 - 6) The signature of the sponsor.

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- A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 12) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
- 13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions-
- 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state continuing education ~~individual--program~~ approval request form, along with a \$25 processing fee, prior to participation in the program or at least within 90 days prior to ~~after-completion-of-the--CE--program--and~~ ~~prior--to~~ expiration of the license. The Board shall review and recommend approval or disapproval of the program using the

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criteria set forth in subsection (c)(3) of this Section. ~~Applicants may seek individual program approval prior to the participation in the program.~~

2) ~~If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.~~

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1470.55 of this Part ~~§44 and 45 of the Act.~~

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1470.55 of this Part ~~§44 of the Act~~, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a currently licensed physician;
- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
- D) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.96 Unethical, Unauthorized and Unprofessional Conduct

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a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 19 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- 1) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
- 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 16 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. The release of information "with the consent of the client" as provided for in Section 16 of the Act is interpreted to mean that the social worker, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client(s) or examinee(s) involved;
- 3) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- 4) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- 5) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
- 6) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered. Social workers shall not participate in illegal fee-splitting arrangements, nor shall they give or accept kickbacks for referrals. However, it is not unethical for social workers to utilize referral services for which a fee is charged, nor to participate in contractual arrangements under which they agree to discount fees;
- 7) Impersonating another person holding a clinical social work or social work license or allowing another person to use his/her license;
- 8) The commission of any dishonest, corrupt or fraudulent act that is substantially related to the functions or duties of a social worker providing services or supervising services;
- 9) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client within 24 months after termination of

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treatment;

- 10) Entering a treatment relationship in which professional judgment may be compromised by prior association with or knowledge of a client;
 - 11) Permitting an intern or trainee under the social worker's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required;
 - 12) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors;
 - 13) Failing to disclose conflicts of interests, dual relationships between social worker and clients, and/or obligations associated with service that might affect the client's decision to enter into or continue the relationship;
 - 14) Discriminating based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;
 - 15) Knowingly providing services to a client when the social worker's objectivity or effectiveness is impaired. A social worker who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems;
 - 16) Failing to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons. Social workers are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.
- b) The Department hereby incorporates by reference:
- 1) the "Code of Ethics of the National Association of Social Workers", National Association of Social Workers, 750 First Street NE, Suite 700, Washington, D.C. 20002-4241, 1993, with no later amendments or editions;
 - 2) the "Code of Ethics", ~~National--Federation--of--Societies-for~~ Clinical Social Work Federation, P.O. Box 3740, Arlington, Virginia 22203, May 1988, with no later amendments or editions.
- (Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1470.97 Independent Practice of Clinical Social Work

- a) Licensed social workers may not engage in the independent practice of clinical social work without a clinical social worker license. Independent practice of clinical social work means providing the

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- b) services of or engaging in the practice of clinical social work, as defined in Section 3(5) of the Act, by an individual who regulates and is responsible for her or his own practice or treatment procedures. Licensed Social Workers may provide clinical social work services as set forth in Section 3(5). When engaging in or providing clinical social work services as set forth in Section 3(5), an LSW may only do so under the order, control, and full professional responsibility of a licensed clinical social worker, a licensed clinical psychologist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code and shall not regulate or be responsible for his/her own practice or treatment procedures.
- c) When providing clinical social work services as set forth in Section 3(5) of the Act (in the independent practice of clinical social work), a licensed social worker shall always operate and represent himself/herself as an employee of the independent practice and may not work as an independent contractor as defined by Internal Revenue Service regulations.
- d) An LSW shall not, without a license as a clinical social worker issued by the Department:
 - 1) in any manner hold himself or herself out to the public as a clinical social worker or licensed clinical social worker under the Act;
 - 2) use the title "clinical social worker" or "licensed clinical social worker"; or
 - 3) offer to render to individuals, corporations, or the public clinical social work services if the words "licensed clinical social worker" or "clinical social work" are used to describe the person offering to render or rendering the services or to describe the services rendered or offered to be rendered. (Section 10 of the Act)

(Source: Added at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3) Section Numbers: Proposed Action:
1250.220 Amendment
- 4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-50 exempts licensees who have been practicing for 40 years or longer from the continuing education requirement for renewal. This proposed rulemaking implements that provision.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing funeral directing and embalming services.
- B) Reporting, bookkeeping or other procedures required for compliance:
None

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- C) Types of professional skills necessary for compliance: Funeral directing and embalming skills are required for licensure.
 - 13) Regulatory Agenda on which this rulemaking was summarized: July 1998
- The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250

FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section	
1250.110	Approved Programs of Mortuary Science
1250.120	Application for Traineeship
1250.130	Requirements for Traineeship
1250.135	Application for Licensure
1250.140	Examination
1250.150	Reciprocity
1250.155	Inactive Status
1250.160	Restoration
1250.170	Requirements for a Preparation Room
1250.180	Required Activities (Repealed)
1250.190	Violations (Repealed)
1250.200	Renewals
1250.205	Advertising
1250.210	Granting Variances
1250.220	Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; repealed and new rules adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 22 Ill. Reg. _____, effective _____.

Section 1250.220 Continuing Education

- a) Continuing Education Hour Requirements
- 1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education (CE) relevant to the practice of funeral directing and embalming during each

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prereneval period.

- 2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing or embalming during each prereneval period.
- 3) The Department shall conduct random audits to verify compliance with this Section. The prereneval period is the 24 months preceding the expiration date of the license.
- 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 5) A licensee who has been actively licensed as a funeral director and/or embalmer for at least 40 years shall be exempt from the continuing education requirements of this Section.
- 6) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Activities for which CE credit may be earned are as follows:
 - 1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
 - 2) A maximum of 6 hours for funeral directors or 12 hours for funeral directors and embalmers per prereneval period for:
 - A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming that is orally delivered before recognized funeral directing and embalming organizations;
 - B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral directing and embalming journals;
 - C) Writing a chapter in a book pertaining to funeral directing or embalming; and
 - D) Completion of self-study courses taken through an accredited college or university or an approved sponsor. Such self-study courses shall meet the following requirements:
 - i) Credit for each self-study course cannot exceed 6 hours.
 - ii) A licensee cannot accumulate more than 12 hours from self-study courses in a renewal period.
 - iii) Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee by the sponsor or anyone else.
 - iv) Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit.
 - 3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2

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hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 6 hours for funeral directors or 12 hours for funeral directors and embalmers during any renewal period.

- 4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.

- 5) A maximum of 24 hours of CE credit shall be given for courses completed at an accredited college or university. One semester hour shall equal 8 CE hours. One quarter hour shall equal 6 CE hours.

- 6) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments.

- 7) Credit will not be given for activities that are not included in subsection (b).

c) CE Sponsors and Programs

- 1) Sponsor, as used in this Section, pursuant to Section 10-35 of the Code, shall mean the following:

- A) An accredited college or university;
- B) Illinois Funeral Directors Association;
- C) Funeral Directors Services Association of Greater Chicago;
- D) Cook County Association of Funeral Home Owners, Inc.;
- E) Illinois Selected Morticians Association;
- F) National Funeral Directors Association;
- G) National Foundation of Funeral Service;
- H) National Selected Morticians Association;
- I) An Illinois school of mortuary science;
- J) International Order of the Golden Rule;
- K) National Funeral Directors and Morticians Association; or
- L) Any other school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department to coordinate and present CE courses and programs in conjunction with this Section.

- 2) A sponsor shall file a sponsor application which certifies the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3)

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- below and all other criteria in this Section;
- B) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(5); and

- C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Code and this Part and that this information is necessary to ensure compliance.

3) All courses and programs shall:

- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;

- B) Specify the course objectives, course content and teaching methods to be used;

- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

- D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and

- E) Include some mechanism whereby participants evaluate the overall quality and content of the program.

- 4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.

- 5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:

- A) The name and address of the sponsor;
- B) The name and license number of the participant;
- C) A brief statement of the subject matter;
- D) The number of CE hours awarded in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

- 6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor such as mailing the certificate or summary of attendance at one or more qualifying educational events.

- 7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) above for not less than 5 years, except for the signature of the sponsor.

- 8) The sponsor shall be responsible for assuring that no participant

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shall receive CE credit for time not actually spent attending the program.

- 9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Department shall thereafter refuse to accept for CE credit attendance at any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.

- 10) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

- 11) The Department shall maintain a list of all approved continuing education sponsors in addition to those identified under subsection (c)(1).

d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Department's random audit.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may be required to interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act (Ill-Rev-Stat--1991-Chr--1277-Par-1010-65) [5 ILCS 100/10-65].

e) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown, the Department shall waive enforcement of CE requirements for that renewal period.

- 2) If an interview with the Board is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

- 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient

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hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness, documented by a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).
- 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, pursuant to the provisions of this Section, shall be deemed to be in good standing until the Department's final decision on the application has been made.
 - 5) Any applicant who submits a request for waiver that is denied may then request his/her license be placed on inactive status. The applicant shall comply with the continuing education requirements prior to restoration of the license from inactive status in accordance with Section 1205.160 of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Municipal Jail and Lockup Standards2) Code Citation: 20 Ill. Adm. Code 7203) Section Numbers:

720.5

Amend

720.10

Amend

720.20

Amend

720.25 New Section

720.30

Amend

720.40

Amend

720.50

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10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Terminology has been clarified; a provision to use security glass on the front of detention rooms and cells has been added; a larger food pass opening in solid doors has been permitted; it has been clarified that local training is to be conducted by persons authorized by the Chief of Police; and style changes

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for statutory references have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: A committee, consisting of staff of the Department of Corrections, city police departments, and the juvenile justice system, made recommendations to update these rules. Changes include updating statutory references; updating procedures in accordance with current statutes; clarifying existing standards; removing redundant or philosophical language; providing direction to municipal jails regarding written procedures, staff training, and post descriptions; and updating new construction standards consistent with nationally accepted standards. These rules are intended to provide direction and minimum standards while providing municipalities the flexibility to manage their local jails in a safe and secure manner.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald N. Snyder, Jr., Deputy Director

Address: Department of Corrections
1301 Concordia Court

P.O. Box 19277

Springfield, Illinois 62794-9277

Telephone: 217/522-2666, extension 2082

The full text of the Adopted Amendment begins on the next page:

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DEPARTMENT OF CORRECTIONS

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NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER I: DEPARTMENT OF CORRECTIONS

SUBCHAPTER g: MUNICIPAL STANDARDS

PART 720

MUNICIPAL JAIL AND LOCKUP STANDARDS

Section	Definitions
720.5	Legal Authority to Establish Set-up Standards and Exercise Supervision over Jails Jail-and-locks
720.10	Legal Rights of Accused While in Custody
720.25	Administration
720.30	Use of Jails/locks
720.40	Minimum Physical Standards-Existing Buildings
720.50	Minimum Cell and Detention Room Standards-Existing Facilities
720.60	Supervision
720.70	Security
720.75	Telephone and Visits
720.80	Food
720.90	Sanitation
720.100	Fire Protection
720.110	Emergency Plan
720.120	Detainee Records
720.130	Reports to the Jail and Detention Standards and-Services Unit
720.140	Use of Force
720.150	Juvenile Detention
720.160	New Construction

AUTHORITY: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].

SOURCE: Amended November 4, 1977; emergency rule at 3 Ill. Reg. 8, p. 1, effective February 14, 1979, for a maximum of 150 days; emergency expired July 14, 1979; amended at 4 Ill. Reg. 28, p. 311, effective July 1, 1980; codified at 8 Ill. Reg. 14415; amended at 12 Ill. Reg. 12452, effective October 1, 1988; amended at 13 Ill. Reg. 16750, effective November 1, 1989; amended at 14 Ill. Reg. 20402, effective January 1, 1991; amended at 22 Ill. Reg. 19227, effective NOV 1 1998.

Section 720.5 Definitions

"Cell" means an area that has three walls and a grilled front and door or a security glass front and door that is used to detain or confine adults or to detain juveniles 16 years of age or older.

"Chief of Police" means the chief executive law enforcement officer of the municipality or any designee.

"Department" means the Illinois Department of Corrections.

"Detention room" means an area that has four walls and a door that is used to detain juveniles or adults.

"Jail or lockup", hereafter referred to as jail, means a security facility operated by the municipal police department for the temporary detention of persons who are being held for investigation pending disposition of their cases by the judiciary or who are waiting transfer to another institution.

"Jail and Detention Standards and-Services Unit" means the unit within the Division of Support Services Bureau of Inspections-and-Audits of the Department of Corrections which is authorized to monitor compliance with Municipal Jail and Lockup Standards.

"Unit" means the Jail and Detention Standards and-Services Unit.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998.)

Section 720.10 Legal Authority to Establish Set-up Standards and Exercise Supervision over Jails and-locks

In accordance with Standards-and-Assistance-to-local-Jails-and-Detention-and-Shelter-Care-Facilities, Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2] (Ill.-Rev.-Stat.-1967-Supp.-ch.-38-par.-1003-15-2):

- a) The Department shall establish for the operation-of--county--and-municipal--jails--and--houses--of--correction--and--county--juvenile detention-and-shelter-care--facilities--established--pursuant--to--the County--Shelter--Care--and--Detention--Home--Act, minimum standards for the physical condition of jails such--institutions and for the treatment of detainees inmates with respect to their health and safety and the security of the community and to make recommendations to such institutions to assure compliance with the requirements of such minimum standards.
- b) At least once each year, the Department may shall inspect each adult such facility for compliance with the standards established and the results of such inspection shall be made available by the Department for public inspection
- 1) If any jail detention--shelter-care-or-correctional-facility does not comply with the standards established, the Director of Corrections shall give notice to the county-board-and-the-sheriff or-the-corporate-authorities-of-the municipality-as-the-case-may be of such noncompliance, specifying the particular standards that have not been met by such facility.
- 2) If the facility is not in compliance with such standards when six months have elapsed from the giving of such notice, the Director

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of Corrections may petition the appropriate court for an order requiring such facility to comply with the standards established by the Department or for other appropriate relief.

- c) The Department may shall provide consultation services for the design, construction, programs and administration of jails ~~detention~~; ~~shelter care~~; and ~~correctional facilities and services for children and adults~~ operated by counties and municipalities and may shall make studies and surveys of the programs and the administration of such facilities. Personnel of the Department shall be admitted to these facilities as required for such purposes. The Department may develop and administer programs of grants-in-aid for correctional services in cooperation with local legal agencies. The Department may ~~shall~~ provide courses of training for the personnel of such institutions and conduct pilot projects in the institutions.

(Source: Amended at 22 Ill. Reg. 19227 ~~19227~~, effective

NOV 1 1988)

Section 720.20 Legal Rights of Accused While in Custody

~~Sections 103-27-103-37-103-47-103-7-and-103-8-of-the-Code-of-Criminal-Procedure of-1963 (Ill.-Rev.-Stat.-19857-ch.-387-pars.-103-27--103-37--103-47--103-7--and-103-87-~~

- a) Treatment While in Custody

- 1) On being taken into custody every person shall have the right to remain silent.
- 2) No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person in custody.
- 3) Persons in custody shall be treated humanely and provided with proper food, shelter, and, if required, medical treatment. [725 ILCS 5/103-2]

- b) Right to Communicate with Attorney and Family--Transfers

- 1) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time (generally within the first hour) after arrival at the first place of custody.
- 2) In the event the accused is transferred to a new place of custody, his or her right to communicate with an attorney and a member of his or her family is renewed. [725 ILCS 5/103-3]

- c) Right to Consult with an Attorney

- 1) Any person committed, imprisoned or restrained of his or her liberty for any cause whatever and whether or not such person is charged with an offense shall, except in cases of imminent danger of escape, be allowed to consult with any licensed attorney at law of this State whom such person may desire to see or consult,

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alone and in private at the place of custody, as many times and for such period each time as is reasonable.

- 2) When any such person is about to be moved beyond the limits of this State under any pretense whatever, the person to be moved shall be entitled to a reasonable delay for the purpose of obtaining counsel and of availing himself or herself of the laws of this State for the security of personal liberty. [725 ILCS 5/103-4]

- d) Posting Notice of Rights

- 1) Every sheriff, chief of police or other person who is in charge of any jail, police station or other building where persons under arrest are held, in custody pending investigation, bail or other criminal proceedings, shall post in every room, other than cells, of such buildings where persons are held in custody, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2, 110-4, and subparts (a) and (b) of Section 110-7 and 113-3 of the this Code of Criminal Procedure. [725 ILCS 5/103-7] (Notice of Rights posters in English and Spanish are available from the Jail and Detention Standards Unit.)

- 2) ~~Each person who is in charge of any courthouse or other building in which any trial of an offense is conducted shall post in each room primarily used for such trials and in each room in which defendants are confined or wait pending trial in conspicuous places where it may be seen and read by persons in custody and others a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of this Code.~~

~~AGENCY-NOTE:--(Notice--of--Rights--posters--in--English--and--Spanish are--available--from--the--Detention--Standards--and--Services--Unit--)~~

- e) Mandatory Duty of Officers

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him or her by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the "Criminal Code of 1961". [725 ILCS 5/103-8] approved--July--287--1967--as--heretofore--and--hereafter--amended--(See Ill.-Rev.-Stat.-19857-ch.-387-par.-33-3-7)

(Source: Amended at 22 Ill. Reg. 19227 ~~19227~~, effective

NOV 1 1988)

Section 720.25 Administration

- a) Staff Training

- 1) All jail officers and other persons assigned jail duties shall be

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oriented and trained in local jail procedures by persons authorized by the Chief of Police. Such training shall include security measures such as use of restraints, force, and chemical agents; handling special incidents such as assaults, disturbances, fires, natural disasters, evacuation procedures, escapes, communication, and crime scene protection; and suicide prevention. Such training may include familiarization with identification of signs and management of mentally impaired detainees and first aid and CPR training.

- 2) Written documentation of staff training, including orientation and familiarization, shall be maintained.
- 3) Jail officers and other personnel assigned to jail duty shall be familiar with the standards in this part and shall be thoroughly acquainted with all security features of the jail and the location and use of all emergency equipment and first aid supplies. Such familiarization shall be documented.

b) Written Procedures

A current written manual of policies and regulations for the operation of the jail shall be established by the Chief of Police and be accessible to each employee. The manual shall include written procedures for fires, riots, escapes, hostage situations, major disturbances, use of chemical agents, medical emergencies including suicide prevention and crisis intervention, bomb threats, severe weather, and natural disasters.

c) Post Description

A comprehensive duty description for each operational jail position shall be in writing. Employees shall be familiar with the written post description prior to assuming the post.

d) Records

The Chief of Police shall assure that all records required by this Part are maintained and available for examination by staff of the Jail and Detention Standards Unit.

e) Discrimination and Harassment

The Chief of Police shall prohibit unlawful discrimination and harassment of employees, detainees, and any other persons within the jail on the basis of race, gender, age, religion, national origin, and disability, among other matters.

f) Jail Officer Staffing

1) Each jail must have sufficient personnel to provide adequate supervision of detainees.

2) No person shall be confined without an officer or other qualified staff, awake and alert at all times, on continuous duty in the jail.

3) Supervision shall be provided by a person of the same sex, where feasible, during periods of personal hygiene activities such as use of showers and toileting.

g) Health Services

Any seriously injured, seriously ill, or unconscious person shall not

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be admitted to the jail until a medical examination has been conducted by a jail physician. A jail physician is a physician designated by the Chief of Police.

- 1) The Chief of Police shall order a detainee's removal to a hospital upon the recommendation of the jail physician.
- 2) A written record of all physicians' visits, examinations, and treatment shall be maintained.
- 3) Medication provided to detainees shall be recorded in a log, including the detainee's and the employee's names, the date and time, and the type and amount of medication.

h) Personal Property

The Chief of Police shall determine what personal property, if any, a detainee may retain. Receipts must be issued for all personal property taken from a detainee. Personal property, except for items confiscated as evidence, shall be returned to the detainee or his or her designee upon release and such return shall be documented.

(Source: Addendum at 1998²)

Ill. Reg.

19227

effective

Section 720.30 Use of Jails/lockups

a) The jail/lockup, hereinafter referred to as a jail, is a security facility operated by the police department, for the temporary detention of persons held for investigation pending disposition of their cases by the judiciary or awaiting transfer to another institution.

a) The maximum period of detention in a jail should not normally exceed 48 hours, except when detention occurs at the beginning of a weekend or holiday.

b) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age shall must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law. (Section 5-7 3-6f5) of the Juvenile Court Act [705 ILCS 405/5-7] (Ill. Rev. Stat. 1985, ch. 37, par. 703-6f5.) However, no minor shall be detained in a municipal jail for more than six hours.

c) A detainee with a known history of mental disorder or mental defect, or a detainee who shows evidence of such condition, shall be detained only temporarily in a municipal jail and transferred as soon as possible. In the event such a detainee is received, the detainee he shall be afforded appropriate protective custody and constant supervision as determined by the Chief of Police or his or her designee until transferred. The Chief of Police or the Chief of Police shall immediately notify the appropriate authorities regarding the mental condition of the detainee so that a transfer can be effected.

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(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.40 Minimum Physical Standards--Existing Buildings

a) The building in which a jail is located must:

a) Conform to the building, fire, safety, and health requirements of local, and State, and federal authorities. State of Illinois standards for a jail which exceed those of a federal or local authority shall take precedence.

b) Be well lighted to provide 30-footcandles-in-the-detention-area-and at least 20 footcandles at 30" above the floor in the detention area and in other parts of the jail.

c) Be comfortably heated and cooled according to the season with a system designed to eliminate disagreeable odors and to routinely provide temperatures within the normal comfort zone (67° to 85° F).

d) Have electrical conduits, fixtures, switches, and outlets that are inaccessible to the reach of detained persons or that are of tamperproof construction.

e) Have all exterior windows in the detention area security screened or barred. Those exterior windows that can be opened must also be insect screened.

f) The heating-system-shall-not-constitute-a-fire-hazard-or-jeopardize the-health-or-safety-of-staff-or-detainees.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.50 Minimum Cell and Detention Room Standards--Existing Facilities

a) Male and female detainees shall be confined in completely segregated areas.

1) The confinement area Quarters for males and females shall be located so that physical, visual, and auditory contact by detainees of the opposite gender is between-the-sexes-are prevented.

2) Juveniles shall be confined in areas that are completely separated from adults. Minors under 17 may be housed in detention rooms or cells while minors under 16 shall not be housed in cells.

b) The minimum size of each cell shall provide at least 50 square feet of floor space. Detention rooms shall provide at least 64 square feet of floor space.

c) All existing cells and detention rooms shall be designated single occupancy. Multiple occupancy shall not be used until all cells and detention rooms are in use. However, no more than two detainees may be housed in a single cell or detention room.

d) Each cell or detention room shall be equipped with:

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1) A rigidly constructed metal or concrete bed, with a solid or perforated steel bottom, anchored to the floor or walls. A metal bench may be used if detention is eight hours or less.

2) A washbasin washbowl with piped hot and cold water if detention exceeds eight hours. If detention is eight hours or less, access to a washbasin washbowl with cold water must be provided in or contiguous to adjoining-the cells or detention rooms must-be provided.

3) A toilet if--if detention is for more than eight hours. Access or-less-access to toilet facilities must be provided in or contiguous to adjoining the cells or detention rooms if detention is for eight hours or less must-be-provided.

4) Security light fixtures providing an illumination level sufficient for distinct visual supervision from the cell door and a-comfortable-reading-level-(30-foot-candles). Illumination may be provided by a light fixture in the inspection corridor, provided it is not accessible to detainees.

e) Physical-restraints-shall-not-be-placed-upon-a-detainee-to-confine-his movements-within-a-cell-or-detention-room-other-than-for-the-specific purpose-of-preventing-the-detainee-from-injuring-himself-or-others-or from-damaging-or-destroying-property.

f) A-written-report-will-be-placed-on-file--whenever--restraint devices-are-applied.

g) Additionally, each individual case will be reviewed at least once every 24 hours to determine the necessity for such restraints.

h) Cells shall not be constructed of wood or flammable material.

i) Cells or detention rooms located in a basement must be adjacent to the office of the jailer responsible for supervision and care of detainees.

1) A basement is defined as a story whose floorline is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit.

2) The basement detention area must be provided with adequate light, heat, and forced-air ventilation.

h) Each-cell-shall-be-supplied-with:

i) Toilet-tissue.

j) Soap.

k) Paper-towels.

l) Supply-of-disposable-drinking-cups-if-washbasin-is-not-drinking fountain-equipped.

m) Clean-bedding-shall-be-provided-for-detainees-confined-overnight-and shall-consist-of-a-flame-retardant-mattress-a-mattress-cover-if-the mattress-cannot-be-sanitized-after-use-and-blankets-appropriate-to the-season-of-the-year-or-temperature-of-the-facility.

n) Shaving-equipment-comb-and-disposable-toothbrush-shall-be-made available-for-detainee-use-prior-to-going-to-court.

o) All requirements of a physical nature shall be complied with by the municipalities, following dates:

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- 1) However, if the Department of Corrections has previously given written approval for final architectural plans for new construction or remodeling and construction commences within one year after such approval, new standards of a physical nature will not be enforced.
- 2) Noncompliance pertaining to physical conditions that adversely affect the treatment of detainees with respect to their health and safety may be considered for further action under the provisions of Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2].
- 1) ~~dates built in 1950 or before shall be in compliance by January 17, 1986.~~
- 2) ~~dates built between 1951-1970 shall be in compliance by January 17, 1990.~~
- 3) ~~dates built between 1971-1979 shall be in compliance by January 17, 1995.~~
- 4) ~~dates built after 1979 and jails currently under construction must comply. However, if the Department of Corrections has previously given written approval for final architectural plans for new construction or remodeling, new standards of a physical nature will not be enforced.~~
- 5) ~~These noncompliances pertaining to physical conditions which adversely affect the treatment of detainees with respect to their health and safety may be considered for further action under the provisions of Section 3-15-2 of the Unified Code of Corrections (110 Rev. Stat., 1987 Supp., Ch. 387, par. 1003-15-2-10).~~
- h) ~~Variances:~~ Variances connected with physical requirements established herein may be granted by the Director of the Department of Corrections for existing facilities for a specific period of time. Variance expiration dates will be determined at the time granted. Variance requests of an administrative nature will not be granted. In determining whether to grant a variance, the Department shall consider, among other factors, the nature of the standard, previous noncompliance, the cost, the population, the alternative means of complying with the intent of the standard, the length of time requested for the variance, the consequences if the variance is not granted, and the safety and security of the facility or individuals.
- 1) The variance request must be in writing and pertain to a specific standard. The request must describe the reasons for the variance; the period of time for the variance; any hardship the facility might experience by complying with the standard; plans to be implemented to eventually comply with the particular standard; and a statement that the variance would not adversely affect the health and safety of detainees or security of the jail. ~~All these criteria will be considered in arriving at a decision.~~
- 2) The approval or denial of a variance request will be returned by letter to the requesting governmental agency.

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- 3) The Director of the Department of Corrections, at his or her discretion, may grant a renewal of the variance provided documentation is received from the governing body which indicates a good faith effort on its part to effect necessary actions to comply with the standard in question.
- 4) ~~A permanent variance, depending on the circumstances, may be granted.~~

(Source: Amended at 22 Ill. Reg. 19237, effective

NOV 1 1998)

Section 720.60 Supervision

- a) Persons confined shall be supervised by a jail officer or other qualified staff. ~~Where must be sufficient officers present in the jail, awake and alert at all times, to provide supervision while persons are confined.~~ For most municipalities, a radio operator on duty will suffice, provided duties do not interfere with the conduct of the following supervisory checks: ~~required in the following paragraph (refer to Section 720.70 (d)).~~
- 1) A visual check by personal inspection of each person confined shall be conducted, not including observation by a monitoring device, at least once every 30 60 minutes, unless continuous audio and visual checks conducted with a monitoring device has been approved as a variance in accordance with Section 720.50(h) or the individual has been restrained. Persons restrained shall be checked at least every 15 minutes (t).
- 2) Visual checks shall be recorded by a mechanical device or logged in ink indicating:
- A) Time of check;
- B) Signature, initials, badge number, or any other personal identifier of the responsible person; and
- C) Any relevant remarks.
- b) Physical restraints, including therapeutic restraints, shall not be placed upon a detainee to confine his or her movements within a cell or detention room other than for the specific purpose of preventing the detainee from injuring himself or herself or others or from damaging or destroying property.
- 1) A written report shall be placed on file whenever restraint devices are applied. The report shall include the date and time and the purpose for which the physical restraints have been applied.
- 2) Persons placed in therapeutic restraints shall be monitored as recommended by the jail physician.
- 3) Additionally, each individual case shall be reviewed at least once during each shift to determine the necessity for such restraints. The identity of the person conducting the review, the date and time, and either the reason for continued use of

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- c) Any use of force shall not be prohibited simply because the jail officer or staff member using such force is not of the same gender as the detainee.
- d) Detainees shall be supplied with the following materials on an as needed basis:
- 1) Personal hygiene items, such as toilet tissue, soap, paper towels, and feminine hygiene items; and
 - 2) Disposable drinking cups, if the washbasin is not drinking fountain equipped.
- e) Clean bedding shall be provided for detainees confined overnight (that is, continuous confinement between the hours of 10:00 p.m. and 6:00 a.m.). Clean bedding shall consist of a flame retardant mattress, a mattress cover if the mattress cannot be sanitized after use, and blankets appropriate to the season of the year or temperature of the facility. Bedding, including the mattress or mattress cover, sheets, or pillow cases, shall be laundered or otherwise sanitized prior to reuse. Mattresses or mattress covers that have been soiled with body fluids or waste shall be handled using standard universal precautions to reduce exposure to bloodborne pathogens and shall be appropriately laundered, sanitized, or discarded.
- b) Under the following conditions, supervision shall be provided by a person of the same sex:
- 1) When procedures require physical contact or examination, such as body searches;
 - 2) During periods of personal hygiene activities such as showers, toileting, and related activities; (this standard does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee);
- f) Persons confined beyond 48 hours shall be permitted to shower or bathe once every 48 hours. Clean towels shall be provided when showering or bathing.
- d) Any seriously injured, seriously ill or unconscious person must not be admitted to the jail until a medical examination has been conducted by a physician:
- 1) A physician shall have authority to order a detainee's removal to a hospital;
 - 2) A written record of all physicians' visits, examinations, and treatment shall be maintained;
 - 3) Medication administered to detainees shall be recorded in a log;
- e) Receipts must be issued for all personal property taken from a detainee.

(Source: Amended at 22 Ill. Reg. effective

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Section 720.70 Security

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- a) Detainees shall be given an immediate frisk search.
- b) Strip searches shall be performed in accordance with Search--The following has been extracted--from Section 103-1 of the Code of Criminal Procedure of 1963 [725 ILCS 5/103-1]. (Ill.-Rev-Stat.-19857 ch.-38-par-103-1):
- 1) No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon or controlled substance.
 - 2) "Strip search" means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person.
 - 3) All strip searches shall be performed by persons of the same sex as the arrested person and on premises where the search cannot be observed by persons not physically conducting the search.
 - 4) Every peace officer or employee of a police department conducting a strip search shall:
 - A) Obtain the written permission of the police commander or an agent thereof designated for the purposes of authorizing a strip search in accordance with this Section.
 - B) Prepare a report of the strip search. The report shall include the written authorization required by paragraph (f) of this subsection (f) therein--enumerated--as--subsection 720-70 (b)(4)(A) of this Section, the name of the person subjected to the search, the names of the persons conducting the search, and the time, date, and place of the search. A copy of the report shall be provided to the person subject to the search.
 - 5) No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant; any warrant authorizing a body cavity search shall specify that the search must be performed under sanitary conditions and conducted either by or under the supervision of a physician licensed to practice medicine in all of its branches in this State.
 - 6) Any peace officer or employee who knowingly or intentionally fails to comply with any provisions of this Section 720.70(b) is guilty of official misconduct as provided in Section 103-8 [725 ILCS 5/103-8]; provided, however, that nothing contained in this Section shall preclude prosecution of a peace officer or employee under another Section of the this Code of Criminal Procedure.
 - c) Any No--armed officer who enters shall enter a cell or detention area where a person is confined shall not be armed with a firearm, except in emergency circumstances where the use of deadly force may be authorized by Section 7-9 of the Criminal Code of 1961 [720 ILCS 5/7-9] or Section 3-6-4 of the Unified Code of Corrections [730 ILCS 5/3-6-4].

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- d) Prior to any No officer or other person responsible for detainee supervision entering shall enter an occupied cell or detention room without the presence of another qualified police employee shall be present.
- e) Cells and detention rooms shall be examined for the presence of unauthorized objects before being reassigned to another detainee.
- f) All fixtures, equipment, wiring, and conduits shall be properly maintained.
- g) Eating utensils shall be removed from cells and detention rooms after each meal.
- h) Any open open or contact visits must be closely supervised and the detainee shall be searched before and after the visit.
- i) Visitors are subject to search and a search notice sign must be conspicuously posted.
- j) A record of all keys inventoried and issued shall be maintained.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.75 Telephone and Visits

- a) Detainees may be required to bear the expense of any telephone calls; they make or to place only collect calls.
- b) Telephone calls may be monitored unless prior special arrangements have been made to make or receive confidential telephone calls to or from the detainee's attorney. A notice stating telephone calls may be monitored or recorded shall be posted by each telephone from which detainees may place calls.
- c) Rules governing the use of the telephone and visits shall be established by the Chief of Police. Violation of telephone or visiting rules may result in suspension of the detainee's use of the telephone or visits, except as required by law.

(Source: Added at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.80 Food

- Three meals per day All detainees shall be furnished ~~ree-meals~~ per-day.
- a) Food must be of sufficient nutritional value and provide a daily minimum of 1,800 to -- 2,000 calories for adults and 2,500 to -- 3,000 calories for juveniles.
- b) Food quantity must be sufficient to satisfy, within reason, the detainee's needs.
- c) Meals shall be provided at reasonable and proper intervals, that is ~~4-er~~, adhering to recognized breakfast, lunch, and dinner schedules.
- d) A drink other than water shall be served with each meal.
- e) Of the three daily meals provided, at least one shall be a balanced

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and complete hot meal if the detainee is confined for longer than 24 hours.

- f) Special diets shall be adhered to when prescribed by a the-contract jail physician, clinic, or hospital designated by the Chief of Police.
- g) A copy of the menu served shall be maintained for a period of three months.
- h) Detainees shall be served in their cells or detention rooms.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.90 Sanitation

- a) When occupied, cells and detention rooms shall be cleaned daily.
- b) Areas adjacent to cells and detention rooms shall be maintained in a clean and orderly condition. Walkways and corridors shall not be used as storage areas.
- c) A vermin and pest control program shall be implemented.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.100 Fire Protection

- a) Based on the size of the facility, there shall be at least one fire extinguisher installed in the basement and on each floor for each 5,000 square feet of floor area.
- 1) Extinguishers shall be readily accessible to staff but not to detainees. The local fire department shall be contacted regarding the location, type, and number of fire extinguishers required.
- 2) Extinguishers shall be examined not less than once each year and tagged with the date of inspection and initials of the inspector.
- 3) All jail personnel shall be familiar with the characteristics and operation of all types of extinguishers in the facility.
- b) Emergency exit doors shall be clearly indicated with at least 4 1/2 inch block lettering stating "Exit" in all capital letters; their location shall be made known to all jail personnel; and the keys for the doors shall be immediately available to jail staff. There shall be at least two exits from each floor of detention.
- c) ~~where shall be at least one full set of keys separate from those in use; stored in a safe place accessible only to police department personnel for use in the event of an emergency.~~

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.110 Emergency Plan

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- a) Each jail shall have, in writing, detailed plans that include procedures for emergencies, such as:
- 1) Fires, severe weather periods, and civil disasters; ~~disaster~~;
 - 2) Riots or major disturbances;
 - 3) Battery on jail officers;
 - 4) Battery on detainees;
 - 5) Escapes or escape attempts;
 - 6) Contagious diseases; and-
 - 7) Medical (epilepsy, heart attacks, etc.).
- b) Emergency plans must be known and understood by all personnel.
- c) ~~There shall be at least one full set of keys, separate from those in use, stored in a safe place accessible only to police department personnel for use in the event of an emergency.~~

(Source: Amended at 22 Ill. Reg. 19227 effective NOV 1 1998)

Section 720.120 Detainee Records

- a) Minimum identification data and information shall be recorded for each person detained as follows:

- 1) Name.
 - 2) Aliases AKA and nicknames.
 - 3) Address.
 - 4) ~~Marital status~~.
 - 5) Age and date of birth.
 - 6) Person to notify in case of emergency, including address and telephone number.
 - 7) Physical description, gender sex, and characteristic marks.
 - 8) Occupation.
 - 9) Religion or religious affiliation.
 - 10) Offense.
 - 11) Date and time of admission and authority.
 - 12) Name and title of officers presenting and receiving detainee.
 - 13) Name and telephone number of detainee's attorney.
 - 14) Previous arrest record and convictions.
 - 15) Itemized record of detainee's cash and other valuables, expenditures, and receipts while in custody.
 - 16) Disposition of case and authority.
 - 17) Date of release or transfer.
- b) Juvenile and adult records shall be kept separate from each other.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1998)

Section 720.130 Reports to the Jail and Detention Standards and Services Unit

- a) Adult Population Reports - The Chief of Police, or any other

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~~responsible supervisor designated by him~~ shall furnish quarterly population reports to the Jail and Detention Standards Unit, utilizing appropriate forms supplied by the Unit. ~~the report will include~~:

- 1) The report shall include the total ~~total~~ number of adult males and adult females detained during the month.
- 2) ~~total number of juvenile males and juvenile females~~--detained during the month.
- 3) Reports shall be submitted by the tenth day of each month following the end of each quarter, including those months in which no persons were detained. Reports shall include ~~indicate~~ only those persons securely actually confined and not those merely arrested.

b) Juvenile Population Reports - The Chief of Police shall furnish monthly population reports to the Jail and Detention Standards Unit, utilizing appropriate forms supplied by the Unit.

- 1) The report shall include the total number of juvenile males and juvenile females securely detained during the month; the initials, date of birth, age, sex, and race of each juvenile; the offense and offense code for which the juvenile is being held; whether the juvenile has been adjudicated; the date and time the juvenile was securely detained; the date and time the juvenile was released; and to whom the juvenile was released or transferred.

- 2) Reports shall be submitted by the tenth day following each month, including those months in which no persons were detained. Reports shall include only those persons securely detained and not those merely arrested.

c) Extraordinary or Unusual Occurrences - All extraordinary or unusual occurrences ~~which involve or endanger the lives or physical welfare of jail officers or detainees~~ shall be reported to the Jail and Detention Standards Unit utilizing appropriate forms supplied by the Unit.

- 1) Reports shall be forwarded within 72 hours of the occurrence or its discovery.
- 2) Extraordinary or unusual occurrences shall mean:
 - A) Death, regardless of cause.
 - B) Attempted suicide (if hospitalization or medical treatment is required).
 - C) Serious injury, to include ~~accidental or self-inflicted~~.
 - D) Escape or attempted escape.
 - E) ~~Attempted escape~~.
 - F) Serious fire resulting in property damage, personal injury, or evacuation fire.

F) Detainee disturbance involving four or more individuals, riot, or hostage situation ~~Riot~~.

G) Battery on a staff member, visitor, or volunteer by a detainee.

H) Battery on detainee by a staff member.

I) Battery on detainee by another detainee ~~only~~ if

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hospitalization or extensive medical treatment is required.
 J) Sexual assault ~~assaults~~.
 K) Occurrences of contagious or infectious ~~serious-infectious~~ disease or illness within the facility, excluding names of detainees or others involved.

L) Discovery of firearms or weapons, as defined in 720 ILCS 5/31A-1.1, in cells, detention rooms, or other detainee areas.

M) A written or oral act of intimidation by a detainee on detainees or staff for which criminal charges result.

N) Use of chemical agents.

O) Major property damage.

(Source: Amended ~~1 1998~~ 22 Ill. Reg. ~~19227~~, effective ~~NOV 1 1998~~)

Section 720.140 Use of Force

a) Officers shall not strike or lay hands on a detainee or employ the use of chemical agents except:

- 1) In self-defense.
- 2) To prevent escape.
- 3) To prevent serious injury or damage to person or property.
- 4) To quell a disturbance.
- 5) To effect detention.
- 6) To establish control.

b) Force shall be employed only as a last resort or when other means are unavailable or inadequate and only to the degree reasonably necessary to achieve a permitted purpose. ~~Only the amount of physical force necessary to gain control of the detainee is authorized.~~

c) Following the use of chemical agents, appropriate measures as recommended by the manufacturer shall be taken to minimize the effect of the chemicals.

(Source: Amended at 22 Ill. Reg. ~~19227~~, effective ~~NOV 1 1998~~)

Section 720.150 Juvenile Detention

a) Statutory Provisions Introduction
 Sections 5-3 and 5-7 of the Juvenile Court Act of 1987 [705 ILCS 405/5-3 and 5-7] (~~Ill.-Rev.-Stat.-1989-ch-377-pars.-005-3-and-005-7~~) state:

- 1) "Delinquent Minor" means any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance.
- 2) "Detention" means the temporary care of a minor alleged or

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adjudicated as a person described in subsection (a)(1) of this Section who requires secure custody for his or her own or the community's protection in a facility designed to physically restrict his or her movements, pending disposition by the court for placement or commitment. Design features which physically restrict movement include, but are not limited to, locked rooms and the secure handcuffing of a minor to a rail or other stationary object.

3) "Juvenile Detention Home" means a public facility with specially trained staff that conforms to the county juvenile detention standards (20 Ill. Adm. Code 702).

4) No minor shall be detained in a ~~county-jail-or~~ municipal lockup for more than six hours.

A) The period of detention is deemed to have begun once the minor has been placed in a locked room or cell or handcuffed to a stationary object in a building housing a ~~county-jail-or~~ municipal lockup. Time spent transporting a minor is not considered to be time in detention or secure custody.

B) Any minor so confined shall be under periodic supervision and shall not be permitted to come into or remain in contact with adults in custody in the building.

C) Upon placement in secure custody in a jail or lockup, the minor shall be informed of the purpose of the detention, the time it is expected to last and the fact that it cannot exceed six hours.

D) A log shall be kept that shows the offense which is the basis for the detention, the reasons and circumstances for the decision to detain and the length of time the minor was in detention.

E) Violation of the 6-hour time limit on detention in a ~~county-jail-or~~ municipal lockup shall not, in and of itself, render inadmissible evidence obtained as a result of the violation of this 6-hour time limit.

F) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age shall be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to criminal law.

b) Minimum Standards

The ~~following--standards--for--juvenile--detention--provide--added requirements--restrictions--or--emphases--~~

- 1) All standards in the preceding Sections of this Part apply equally to minors except when prohibited by law or by the standards in this Part. ~~Notification-of-Detention~~
- 2) Confined minors shall be kept separate by sight and sound from confined adults. There shall be no contact between confined adults and confined juveniles in cells and detention rooms. This

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does not prohibit inadvertent or occasional contact in non-residential areas, such as entrances, corridors, elevators, and booking areas.

- 3) A parent, legal guardian, or person with whom the minor resides shall be notified of the minor's detention if the law enforcement officer has been unable to do so.

2) Records

- 4) Records of all minors under 17 years of age must be maintained separate from the records of adult arrests. Names of juveniles shall not be recorded in the same ledgers, jail registrars, monthly population reports, or other records that are subject to public review.

- 5) Records shall not be open to public inspection nor shall the or their contents be disclosed to the public, except by order of the court or when the institution of criminal proceedings has been permitted or the person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation or as otherwise permitted by law.

3) Supervision

- 6) Juveniles Detainees shall, under the following conditions, be provided with supervision by a person of the same sex:

A) When following established procedures which require physical contact or examination such as body searches.

B) During periods of personal hygiene activities and care such as showers, toileting, and related activities.

- 7) Subsection (b)(6) of this Section ~~this--standard~~ does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee.

- 8) A periodic visual check of juveniles confined shall be made by personal observation, not including observation by a monitoring device. Periodic is defined to be a minimum of at least once every 15 minutes.

- B) Visual-checks shall be recorded by a mechanical device or logged in ink indicating:

- i) Time-of-check;
- ii) Signature of responsible person; and
- iii) Any relevant remarks;

- 4) Cell or Detention Room Occupancy

- 9) Juveniles shall be detained in a detention area or detention room. Cells or detention rooms must include access to:

A) Toilet facilities;

B) A washbowl; and

C) Drinking water, in the form of drinking cups or a drinking fountain;

5) Meals

- 10) Juveniles Detainees shall be provided with meals when they are detained during the facility's normal meal periods.

6) Child Abuse

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- 11) Any evidence of child abuse shall be reported to the Illinois Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300.

(Source: Amended at 22 Ill. Reg. 19227, effective NOV 1 1993)

Section 720.160 New Construction

This Section applies to all new construction, including remodeling, renovation, additions to existing structures, and new structures.

- a) All plans and specifications for the construction of existing facilities must be approved by the Illinois Department of Corrections. The Department is concerned with all aspects of jail construction, maintenance, and operation which affect the rights, safety, security, care, and welfare of all persons detained and of the staff. The minimum standards set forth in this Section, or an approved equivalent or greater standard, must be met.

- 1) One set of preliminary drawings shall be submitted to the Department for review and approval.

- 2) One complete set of construction or bid ~~final~~ drawings and specifications shall be submitted to the Department for review and approval, to include:

- A) Architectural design.
- B) Heating and ventilating system.
- C) Plumbing specifications.
- D) Electrical specifications.
- E) Specifications for materials.
- F) Equipment.
- G) Furnishings.

- 3) Documents shall show conformance to applicable local, State, and federal codes and standards and shall include the architect's seal.

- 4) Plans showing the proposed building location must be submitted to the Illinois Department of Natural Resources, to determine compliance with the Regulation of Water Resources, to determine compliance with the Regulation of Construction within Flood Plains (17 92 Ill. Adm. Code 2706 706) and Construction Activities in Special Flood Hazard Areas (Executive Order 79-4, effective June 1, 1979).

- b) All minimum standards for existing facilities (Section 720.50) shall apply in addition to the following minimum standards:

- 1) Design and Layout of Cell Block.

- 2) The cell block shall adjoin the police quarters.

- 3) Cell, Detention Room, and Cell Block Corridor Walls and Ceilings
- A) Either steel, reinforced concrete, or reinforced masonry, or security glass is required for walls.

- i) Masonry must be at least six inches thick with a 3/8"

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bar at 16" on center horizontally and 1/2" bar at 16" on center vertically.

ii) Joints between concrete blocks shall not exceed 3/8 inch.

iii) Security glass must be at least 9/16" with 12 gauge hollow metal frames with 1 1/4" stops.

B) Ceilings shall be constructed of cast in place concrete, pre-cast concrete, or steel. Bars across the cell ceiling tops are not permitted.

C) Paint, if used, must be flame fire retardant and lead-free.

Cell and Detention Doors and Fronts

A) Each door shall contain a food pass with a maximum opening of 5" high and 15" wide no larger than twelve-inches-wide-by-five-inches-high; and a viewport in solid doors--with the smaller dimension--not to exceed five-inches. Solid doors shall have a safety glass observation panel. The door shall be a minimum of 6'8" high and 2'4" wide.

B) Cell fronts front shall be steel grille (bars) or security glass reinforced solid masonry.

i) Grille construction shall be no less than 7/8 inch steel bars, round or hexagonal.

ii) The clear opening space between bars shall not exceed 5". Bar openings shall be no more than 5-inches from their centers.

iii) Security glass must be at least 9/16" with 12 gauge hollow metal frames with 1 1/4" stops.

C) Detention room doors shall be 12-gauge hollow metal. Door with the door frames shall be being at least 12-gauge steel metal. Both shall be detention grade construction.

D) There shall be a manual override or emergency backup for all doors that are electrically operated.

4) Cell or Detention Room Block Entrance Door

A) A grille door, or security hollow metal steel door, equipped with a safety glass observation panel with the smaller dimension not to exceed five-inches, shall be used.

B) The entrance door shall be a minimum height of 6'8" and a minimum width of 3'. The no less than three-feet wide and the area on either side shall be unobstructed.

5) Plumbing

A) Each cell and detention room shall be equipped with a toilet and washbasin washbowl, preferably a stainless steel prison-type with bubbler.

i) The toilet shall be seatless (integral seat) and tankless with a push button flush valve.

ii) The washbasin washbowl shall be hot and cold water equipped with push button controls.

iii) The water shutoff valve for each cell or detention room shall be installed outside the cell or detention

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room.

B) A shower shall be provided in the detention area to permit bathing for those persons who are detained for more than 48 hours or more.

C) Hot and cold water accessible to detainees shall be thermostatically controlled.

6) Windows

A) Windows in the detainee's living quarters must be security type.

B) The maximum dimension of the lesser side of any security sash in the cell shall not exceed five-inches.

B) Any public view into the cell or detention room living area is prohibited.

C) Translucent security glass shall be used.

D) All operable cell block external windows shall be security screened. Security screens shall consist of 1 1/2" x 3/4" 11-gauge steel tubing or channel with a cover plate. Windows that can be opened must also be insect screened.

E) Wire cloth shall be .028" diameter, 12 mesh stainless steel wire, 1200# lineal inch tensile strength.

F) Windows are not required when artificial illumination, cooling, and ventilation (air conditioning) is adequate.

7) Cell and Cell Block Floors

A) Floors must be concrete or precast concrete and may have non-skid material.

B) Floor shall be pitched one to two inches above corridor floor for drainage purposes.

8) Cell Block Corridors.

Cell Block corridors shall be no less than four feet wide.

9) Floor Water Drains

A) Floor Water drains shall be located only in cell block corridor floors or the plumbing chase. One with one drain shall be provided for every three cells.

B) Drain covers must be securely anchored.

C) Floor flushing drains shall be provided in in-certain sections; notably cells to be used for offenders under the influence of alcohol; floor drains shall be located inside the cells so that these areas may be cleaned without washing debris into the corridor.

10) Heating, Cooling and Ventilation

Any standard heating system is acceptable.

A) System must assure comfort during cold or damp weather.

B) Heating equipment No heating equipment, such as radiators, shall be located outside in the cells or detention rooms.

C) Radiators, if used, shall be located outside the cells and adequately shielded to prevent accidental injury.

D) Thermostats shall not be located outside in cells or

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detention rooms.

11)11 Ventilation

D)A The ventilation system shall be capable of moving a sufficient volume of air to each cell or detention room to remove foul air and odors.

i) Circulation shall be at least 15 cubic feet of outside air per minute per occupant.

ii) Mechanical ventilation may provide for recirculation of outside air except where prohibited by local or State codes. The outside air requirements may be reduced to a minimum of 33 per cent of the specified ventilated air quantity, if adequate temperature control is provided in addition to filtering equipment so that the maximum concentration of particles entering the space is reduced to acceptable limits in accordance with subsection (b)(10)(f) of this Section.

In no case should the outdoor air quantity be less than five cubic feet per minute per person.

E)B Air duct openings to cells and detention rooms shall be security screened and secured with tamper proof screws or welded to the floor or wall.

F) Heating and ventilation systems shall comply with the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Standard 62-1989, Ventilation for Acceptable Indoor Air Quality.

11)12 Lighting

A) Prison-type security light fixtures shall be provided installed in cells or detention rooms that provide at least 20 footcandles illumination at 30" above the finished floor.

B) Illumination level must be for--supervision--purposes of sufficient intensity to clearly light cells or detention rooms for visual supervision from the cell door at all times.

C) Lights must be switch controlled from outside the cells or detention rooms.

D) Security fixtures shall be used in corridors and vestibules Standard--safe--fixtures--are--acceptable--in--corridors--or--vestibules.

12)13 Cell or Detention Room Bunks

Bunks shall be of metal or concrete construction securely anchored to walls or floor or otherwise integrally constructed.

13)14 Monitoring Monitor System

A) An audio auditory or audio-visual auditory-visual monitoring system shall be installed in the cell or detention room area.

B) Cells and detention rooms shall be equipped monitored with at least an auditory monitoring system to allow the jailer to check activities and to provide a means for a confined

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person to advise the jailer of emergency situations.

14)15 Emergency Exits

A) There shall be at least one direct emergency exit from a cell block in addition to the cellblock entrance door, where the detention area totals 1200 square feet or more, or where the corridor has a dead end exceeding 50 feet.

B) Every emergency exit shall be clearly marked in accordance with local and State codes sign-shall-have-the--word--"EXIT" in--legible-capital-letters--not-less-than-4-1/2-inches-high with-the-principal-strokes-of-letters--not-less-than-1/2-inch wide.

15)16 Visiting Area

Semi-private compartments or a visiting room shall be provided to allow detainees to communicate with authorized visitors.

16)17 Emergency Power Source

A) An emergency electrical power source must be available in the event of a power failure.

B) The emergency power source must be of sufficient capacity to operate electrical locking devices and other electrical equipment and to provide minimum lighting within the jail and its perimeter.

(Source: Amended at 22 Ill. Reg.

19227,

NOV 1 1998

effective

ENVIRONMENTAL PROTECTION AGENCY

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- 1) Heading of the Part: Public Participation in the Air Pollution Control Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 252
- 3) Section Numbers
 252.102 Adopted Action
 252.201 Amend
 252.206 Amend
- 4) Statutory Authority: Sections 4, 9.1, 39, and 39.1 of the Illinois Environmental Protection Act [415 ILCS 5/4, 9.1, 39, and 39.1].
- 5) Effective Date of Rules: October 13, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 19, 1998 at 22 Ill. Reg. 10807
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes have been made in the final version of the rules:
- In Section 252.102(a)(7), "maximum achievable control technology" has been capitalized.
 - In Section 252.102(a)(7), the comma after "Act" has been deleted and the phrase "Sections 112(g) and (j) of the CAA" has been changed to "Section 112(g) and Section 112(j) of the CAA."
 - In Section 252.102(a)(7), "U.S.C." has been changed to "USC" and the period has been changed to a semicolon.
 - In Section 252.201(c)(7), "or" has been changed to "and Section 112."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, the changes have been made.
- 13) Will these amendments replace emergency rules currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the Adopted Rules: The Agency is proposing amendments to 35 Ill. Adm. Code 252 to require public notice of case-by-case maximum achievable control technology ("MACT") determinations made pursuant to Sections 112(g) and (j) of the Clean Air Act, as amended in 1990 ("CAA"), for new or modified major sources of hazardous air pollutants ("HAPs"). Pursuant to regulations adopted by the United States Environmental Protection Agency ("USEPA") for the implementation of Section 112(g), the Illinois EPA is required to implement a Section 112(g) program. The Illinois EPA will use its existing preconstruction permitting program and follow USEPA's guidance and regulations for Section 112(g) to implement its program. A public hearing to describe the Section 112(g) program was held at the same time, July 21, 1998, as the public hearing on the Agency's proposed amendments to 35 Ill. Adm. Code 252. The Agency's Section 112(g) program was effective on August 15, 1998.
- In addition to the clarification of the requirement for Illinois' Section 112(g) program, the Illinois EPA has proposed shortening the period in which the public has to request a public hearing and/or file initial comments on Air Permits from 45 days to 30 days. This proposal reflects the Illinois EPA's desire to have consistent notice requirements between the Bureau, as well as consistency with federal notice requirements. The Illinois EPA's Bureau of Water's and the USEPA's public comment periods are 30 days for permit actions.

- 16) Information and questions regarding these adopted rules shall be directed to

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 Illinois EPA
 North Grand East, P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217) 524-3337

The full text of the Adopted Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 252

PUBLIC PARTICIPATION IN THE
AIR POLLUTION CONTROL PERMIT PROGRAM

SUBPART A: INTRODUCTION

Section

252.101 Purpose

252.102 Applicability

252.103 Application for a Prevention of Significant Deterioration Permit

252.104 Definitions

252.105 Consolidation

SUBPART B: PROCEDURES FOR PUBLIC REVIEW

Section

252.201 Notice and Opportunity to Comment

252.202 Draft Permit

252.203 Fact Sheet and Statement of Basis

252.204 Availability of Documents

252.205 Opportunity for Public Hearing

252.206 Procedures for Public Hearings

SUBPART C: USEPA REVIEW AND OBJECTION PROCEDURES

Section

252.301 USEPA Review and Objection

SUBPART D: AGENCY ACTION

Section

252.401 Final Permit Action

AUTHORITY: Implementing and authorized by Sections 4, 9.1(d), 9.1(e), 39, 39.1(c) and 39.1(d) of the Environmental Protection Act [415 ILCS 5/4, 9.1(d), 9.1(e), 39, 39.1(c) and 39.1(d)].

SOURCE: Adopted at 4 Ill. Reg. 10, p. 246, effective February 22, 1980; old Part repealed and new Part adopted at 8 Ill. Reg. 8197, effective June 1, 1984; amended at 17 Ill. Reg. 9684, effective June 10, 1993; amended at 22 Ill. Reg. 19253, effective OCT 13 1998.

SUBPART A: INTRODUCTION

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Section 252.102 Applicability

a) This Part applies ~~These rules apply~~ to permit applications filed with the Agency for:

1) Permits pursuant to Major Stationary Sources Construction and Modification, the New Source Review (NSR) rules, 35 Ill. Adm. Code 203, for major new sources and major modifications;

2) Permits pursuant to the federal rules for Prevention of Significant Deterioration of Air Quality (PSD), 40 CFR 52.21, for construction of major new sources and major modifications;

3) Permits for the construction of sources or modifications which would constitute major new sources or major modifications, subject to public notice pursuant to subsection (a)(1) or (2) above, if they were not accompanied by contemporaneous emissions decreases or if federally enforceable significant restrictions were not placed on the source or modification;

4) Permits for the use of Alternative Control Strategies (ACS) pursuant to 35 Ill. Adm. Code 202;

5) Permits to operate sources pursuant to Section 39.5 of the Environmental Protection Act (Act) (the Clean Air Act Permit Program (CARPP)) and significant modifications of any permit issued thereunder;

6) Permits to operate sources which contain federally enforceable conditions including permits which exclude sources from the applicability of the permitting requirements described in subsection ~~subsections~~ (a)(1), (a)(2), or (a)(5) above;

7) Permits for the construction, reconstruction, or modification of major sources of hazardous air pollutants (HAPs) that require a determination of case-by-case Maximum Achievable Control Technology (MACT), pursuant to Sections 9.1(d) and 39(f) of the Act and Section 112(g) and Section 112(j) of the Clean Air Act (CAA) (42 USC 7412(g) and (j)).

87) Permits for the construction of emission units of public interest at a source, the criteria for which are outlined in subsection (b) below; and

98) Revisions to permits described in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), ~~and~~ (a)(6) and (a)(7) above as specified by applicable regulations. This Part shall apply to all revisions which: revise any standard established on a case-by-case basis; alter conditions imposed to meet requirements for emissions offsets; or relax testing, monitoring, recordkeeping, or reporting requirements.

b) The Director shall determine whether an emission unit is of public interest. In making the decision, the Director shall consider:

1) The type of permit for which the application is made;

2) The nature and amount of pollutants which will be emitted by the source;

3) Possible effects of the emissions on health and the environment;

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- 4) The location of the source;
- 5) The interest in the source exhibited by the public, based on comments and inquiries received by the Agency;
- 6) Other factors which are distinctive to the source; and
- 7) The proposed action by the Agency.

(Source: Amended at 22 Ill. Reg. 19253, effective

OCT 13 1998)

SUBPART B: PROCEDURES FOR PUBLIC REVIEW

Section 252.201 Notice and Opportunity to Comment

a) The Agency shall issue a notice for the issuance of any permit described in Section 252.102 of this Part and renewal of any operating permit described in Section 252.102 of this Part, and permit actions described in Section 252.103 of this Part.

b) The notice shall be sent to:

- 1) The public, at least one time, by display advertisement in a newspaper of general circulation in the area where the source is located;
 - 2) Local government air pollution control offices within Illinois that are in the area affected by the source;
 - 3) The chief executives of the municipality and county in which the source is to be located, including the mayor or president, clerk, county board chairman, county clerk, and state's attorney;
 - 4) Members of the General Assembly from the legislative district in which the source is located;
 - 5) Any state whose air quality may be affected and which is contiguous to Illinois or which is within 50 miles of the source;
 - 6) Other officials and agencies identified in 40 CFR 51.24(g)(iv) (1983), for PSD sources only;
 - 7) The permit applicant; and
 - 8) Persons on the public participation mailing list for the air pollution control permit program.
- c) The notice shall include:
- 1) The name and address of the applicant and the source;
 - 2) The location of the source if different from the applicant's address;
 - 3) The activity or activities involved in the permit action;
 - 4) For a proposed significant modification, a description of the change in the amount or character of the emissions which may result from the modification;
 - 5) The preliminary decision of the Agency to grant the permit;
 - 6) For the issuance of a PSD permit, the degree of ambient air increment consumed by the project;
 - 7) For a case-by-case MACT determination pursuant to Section 112(g) and Section 112(j) of the CAA, a description of the emission

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limitation or work practice standard in the draft permit that constitutes MACT.

87) The location of the documents available for public review;

98) A request for written comments on the Agency's draft proposed permit;

109) The date by which comments must be postmarked;

110) Instructions on how to request a public hearing if a decision to hold a hearing has not already been made pursuant to Section 252.205(a) or (b); and

121) The name, address, and telephone number of the Agency contact person from whom the public may obtain additional information.

(Agency Note: Material properly claimed as trade secret or confidential pursuant to Sections 7 and 7.1 of the Act and 2 Ill. Adm. Code Part 1827 will not be subject to public disclosure under this Part. An applicant claiming a trade secret shall provide, in addition to the complete application, a copy of the application for public notice in which the material claimed as trade secret has been deleted.)

d) The notice to the permit applicant shall also include the draft permit and fact sheet or statement of basis required by Section 252.203 of this Part.

e) The notice shall provide for a 30-day 45-day public comment period. The Agency may extend the comment period on written request if any applicable statutory period for the Agency decision, as prescribed in Section 39 of the Act, allows for an extension.

(Source: Amended at 22 Ill. Reg. 19253, effective

OCT 13 1998)

Section 252.206 Procedures for Public Hearings

a) Except as provided in subsection (b) below, hearings shall be conducted in accordance with the Agency's "Procedures for Permit and Closure Plan Hearings" (35 Ill. Adm. Code 166: Subpart A, Informational Permit and Closure Plan Hearings).

b) The following types of hearings shall be conducted in accordance with the Agency's "Procedures for Permit and Closure Plan Hearings" (35 Ill. Adm. Code 166: Subpart B, Contested Case Permit Hearings):

- 1) Hearings requested by the applicant pursuant to Section 39(f)(3) of the Act on a proposed action which includes the Agency's determination with respect to BACT or LAER or case-by-case MACT;
- 2) Hearings requested by the ACS permit applicant pursuant to Section 39.1(d) of the Act.
- 3) Notwithstanding subsection (b) above, persons requesting hearings subject to the Contested Case Permit Hearings (35 Ill. Adm. Code 166: Subpart B) may waive their rights to the procedures of the Contested Case Permit Hearings by notifying the hearing officer to that effect. Where persons waive their rights to Contested Case

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Permit Hearings, such hearings shall be held in accordance with the procedures of Informational Permit and Closure Plan Hearings (35 Ill. Adm. Code 166: Subpart A).

(Source: Amended at 22 Ill. Reg. 19253, effective OCT 13 1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Case Management Services to Persons with AIDS

2) Code Citation: 89 Ill. Adm. Code 716

3) Section Numbers: Adopted Action:

716.100

Repealed

716.200

Repealed

716.300

Repealed

716.400

Repealed

716.500

Repealed

716.600

Repealed

4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(g)].

5) Effective Date of Repealer: October 1, 1998

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 8, 1998, 22 Ill. Reg. 7820

10) Has JCAR Issued a Statement of Objections to this Repealer? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule(s): The amendment repeals Part 716 as it is being replaced with amendments to 89 Ill. Adm. Code 686. Part 686 is being adopted simultaneously with this rulemaking.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 (217) 785-9772
 TTY: (217) 557-1547

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
686.900	New Section
686.910	New Section
686.920	New Section
686.930	New Section
686.940	New Section
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Amendments: October 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 8, 1998, 22 Ill. Reg. 7832
- 10) Has JCAR Issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: Minor technical changes were made to the rulemaking and one citation was added in Section 686.910(f).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): This revision repeals the previous HSP AIDS Rules Section 716 and is adding Subpart J - Case Management Services to Persons with AIDS. This rulemaking describes the Case Management Services purchased by the Home Services program. It delineates the Provider's Requirements, Staffing Requirements, Qualifications, and Training Requirements, Monitoring, Liability Requirements of the Provider and Provider Compliance Requirements. These revisions are consistent with

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686
PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section
686.10
686.11
686.20
686.30
686.40

Personal Assistant (PA) Requirements
Services Which May Be Provided by a PA
Annual Review of PA Performance
Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section
686.100
686.110
686.120
686.130
686.140

Adult Day Care (ADC) Provider Requirements
Services Which Must Be Provided by ADC Providers
Annual Compliance Review of ADC Providers
Appeal of Compliance Review for ADC Providers
Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section
686.200
686.210
686.220
686.230
686.240

Homemaker Service Provider Requirements
Services Which Must Be Provided by Homemaker Agencies
Annual Compliance Review of Homemaker Agencies
Appeal of Compliance Review for Homemaker Agencies
Payment for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section
686.300
686.310
686.320
686.330
686.340
686.350

Electronic Home Response Services (EHRs) Provider Requirements
Services Which Must Be Provided by EHRs Providers
Minimum Specifications for EHRs Equipment
Annual Compliance Review of EHRs Providers
Appeal of Compliance Review for EHRs Providers
Rate of Payment for EHRs Services

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section
686.400
686.410

Maintenance Home Health Provider Requirements
Rate of Payment for Maintenance Home Health Services

DEPARTMENT OF HUMAN SERVICES
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the AIDS Waiver approved by the federal government.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

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SUBPART F: HOME DELIVERED MEALS

Section	
686.500	Home Delivered Meals Provider Requirements
686.510	Rate of Payment for Home Delivered Meals
SUBPART G: ENVIRONMENTAL MODIFICATION	
Section	
686.600	Environmental Modification Provider Requirements
686.610	Cost of Environmental Modification
686.620	Permanency of Environmental Modification
686.630	Reason for Denial of Environmental Modification
686.640	Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section	
686.700	Assistive Equipment Provider Requirements
686.710	Provision of Assistive Equipment
686.720	Verification of Receipt of Assistive Equipment

SUBPART I: RESPITE CARE

Section	
686.800	Respite Care Provider Requirements

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section	
686.900	Program Overview
686.910	Case Management Provider Responsibilities
686.920	Provider Staffing Requirements, Qualifications, and Training
686.930	Monitoring and Liability of Provider
686.940	Provider Compliance Requirements

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. **19262**, effective **OCT 1 1998**.

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section 686.900 Program Overview

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The Department of Human Services (DHS) shall enter into agreements with agencies to provide case management services to persons diagnosed with AIDS, which includes persons with human immunodeficiency virus (HIV) infection, who are eligible for services provided by the AIDS Medicaid Waiver. For geographical areas in Illinois in which case management agencies are not located, case management shall be provided by DHS Home Services counselors utilizing licensed home health nurses as needed to comply with the services offered and the requirements contained in Section 686.910(b), (c), (d) and (e).

(Source: Added at 22 Ill. Reg. **19262**, effective **OCT 1 1998**)

Section 686.910 Case Management Provider Responsibilities

a) Case Management Teams

1) The case management agency (hereafter referred to as provider) shall receive customer referrals from hospitals, the Illinois Department of Public Health's AIDS Hotline, HSP AIDS Unit, other State and local agencies, and other referral services (e.g., doctors and individuals). The provider shall assign a case management team (CMT) to each customer.

2) The CMT shall have full responsibility for the determination of eligibility, including assessment, development of plans of care, and arrangement and implementation of services to be provided. There shall be two levels of CMTs, Provisional CMT and a CMT. Provisional CMTs are those who have not achieved a competency score of 98% or greater for the on-site case reviews done by the HSP AIDS unit, per Section 686.930(d). Assessments, service plans and reassessments completed by CMTs may be implemented without consultation with the HSP AIDS Unit. Provisional CMTs shall submit all developed plans to the HSP AIDS Unit for approval. Approval of the plan will be based on a review to determine that: the Determination of Need Assessment on which the plan is developed is complete and accurate; the plan meets the needs identified by the assessment; the plan does not place the customer's health and safety at risk; the plan is cost effective compared to comparable institutional care; and the plan has been approved by the customer's physician.

b) The CMT shall provide the following services:

- 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 682);
- 2) development of a care plan and implementation (89 Ill. Adm. Code 684);
- 3) reassessment of level of care at least every six months for those cases in formal eligibility, three months for those cases that have been presumptively determined eligible for interim services (89 Ill. Adm. Code 684.80), or at such time when the customer's financial or physical condition or need for services changes;

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- 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
- 5) assisting the customer when personal assistance problems develop. Documentation of these problems and the case management team's responses will be kept in the customer's case file;
- 6) counseling and advocacy;
- 7) acting as inter-agency liaison (e.g., with other DHS programs, vendors, hospitals);
- 8) contacting customer a minimum of three times per month, one contact being a face-to-face visit;
- 9) maintaining and updating customer records; and
- 10) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).

c) Eligibility for AIDS Waiver

- 1) Within 10 working days (exceptions being 2 working days for prescreening referrals from cooperating hospitals for interim/emergency services, 5 working days for all other prescreening for interim/emergency services) after receipt of a referral, the CMT shall complete an individual's eligibility determination for the AIDS Waiver program.

- 2) The CMT shall determine customer eligibility for the AIDS Waiver by completing an assessment from a home visit or while the applicant is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the CMT will utilize the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).

- 3) The CMT shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and what resources are available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).

- 4) Notice of eligibility must be mailed to the HSP AIDS Unit within ten working days after the date on which a completed application is received by the case management contracting agency.

- d) The CMT will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP.

e) Service Plan

- 1) If the assessment demonstrates the need for intermediate care facility (ICF), skilled nursing facility (SNF), or hospital care because of the disability of AIDS/HIV, the CMT shall develop a service plan that will allow the customer to live at home (89 Ill. Adm. Code 684.70).

- 2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the

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service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the case management team's locations and the HSP AIDS Unit. Closed cases will be retained in the HSP Central Office.

- 3) The service plan shall be approved by the customer's physician. If the plan is not approved by the customer's physician, it cannot be implemented and the customer cannot be served under the AIDS Waiver.

- 4) If implementation of services is delayed beyond required time limits in Subsection (c) of this Section, the CMT must inform the HSP AIDS Unit and assist the customer to obtain an alternative provider.

- f) Records of contact with the customer will be entered and maintained in the customer's confidential case records. All contacts, verbal or written, with or on behalf of a customer shall be documented in a confidential case record. The CMT is responsible for obtaining consents for the release of information as necessary and when required by law or regulation (Confidentiality of Records in 42 U.S.C. 290dd-2, the AIDS Confidentiality Act [410 ILCS 305] and 89 Ill. Adm. Code 505 Confidentiality of Information).

(Source: Added at 22 Ill. Reg. **19262**, effective **OCT 1 1998**)

Section 686.920 Provider Staffing Requirements, Qualifications, and Training

- a) Each provider agency shall designate an individual who will be responsible for the administration of the case management program.

- b) The CMT shall consist of:
 - 1) A full-time registered nurse (RN) and a full-time social worker;

or

- 2) A half-time registered nurse and one full-time and one half-time social worker.

- c) The qualifications shall be as follows:

- 1) The RN shall be licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65].

- 2) The social worker shall hold a minimum of a bachelor's degree in social work, social sciences or counseling. A Bachelor's of Social Work or a Master's of Social Work from a school accredited by any organization nationally recognized for the accreditation of schools of social work is preferred.

- 3) It is preferred, but not required, that the RN and the social worker have a broad knowledge of community resources and networking, case management, and home care.

- d) It is preferred, but not required, that the RN and the social worker have experience in working with:
 - 1) addictive and dysfunctional family systems;
 - 2) racial and ethnic minorities;

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- 3) homosexuals and bisexuals;
 4) persons with AIDS; and
 5) substance abusers (e.g., drug users).
 e) Each CMT shall have no more than 30 customers. For CMTs that serve fewer than 30 customers, the full-time requirements may be met proportionately (e.g., 15 customers would require a 1/2 time CMT).
 f) Annually, each member of the CMT shall undergo a minimum of 12 hours of in-service training that:
 1) shall be furnished by the Provider; and
 2) shall be relevant to the provision of services to persons with AIDS (e.g., infectious disease control procedures, sensitivity training, and updates on information relating to treatment procedures).
 g) Roles of the social worker and nurse shall be differentiated and defined.
 1) Social Worker role - completing, with the cooperation of the nurse, the assessment and any necessary reassessments, networking, counseling, weekly contact, advocacy, and other duties not covered by the nurse. The social worker is the primary member of the CMT.
 2) Nurse role - to review and advise the CMT on the health aspects of the assessment and reassessments and to act as a liaison with hospital discharge planner, physician, home health agencies and other medical provider agencies.

(Source: Added at 22 Ill. Reg. **19262**, effective **OCT 1 1998**)

Section 686.930 Monitoring and Liability of Provider

- a) The HSP AIDS Unit shall monitor the provider to assure compliance with this Subpart by:
 1) reviewing and approving the assessment (Section 686.910(c)). The review will be conducted pursuant to the DHS' Home Services Program, (89 Ill. Adm. Code 682), the service plan and payments for services;
 2) reviewing provisional CMTs as set forth in subsection (d) of this Section;
 3) reviewing, on an annual basis, a random sample 10% of the cases handled in the preceding 12 months or two cases, whichever is greater;
 4) the Supervisor of the AIDS Unit visiting at least annually, all contracting case management agencies.
 b) The HSP AIDS Unit shall monitor the service plans of customers served by a CMT to ensure that:
 1) The CMT is monitoring the customer's case at least monthly by carrying out at least one face-to-face visit and two other contacts with the customer;

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- 2) The CMT is reassessing the service plan at least every six months for those cases in formal eligibility and every three months for those cases which have been presumptively determined eligible;
 3) Each of the reassessments undertaken by the CMT is complete and accurate;
 4) Any amendments to the service plan are consistent with the findings of the reassessment;
 5) The service plan remains cost effective (i.e., the cost of the service plan is equal to or less than the State's hospital costs); and
 6) The service plan is approved by the customer's physician.
 c) DHS, Office of Rehabilitation Services, Central Office quality assurance staff shall:
 1) monitor the quality of the reviews conducted annually;
 2) provide case reviews of selected cases Statewide; and
 3) tabulate the findings from all reviews to determine accuracy levels, Statewide need for training and individual training needs.
 d) All case managers of Provisional CMTs will work toward meeting the CMT standards within six months after receiving the HSP AIDS Unit's Case Management Training. Complete CMT status will be granted when six case file reviews attain a competency score of 98-100% using the review process described in this subsection (d).
 1) The HSP AIDS Unit nurse will review three case files within three months from the end date of the Case Management Training for the CMT. The CMT's case manager will be present and have the Case Manager Training Manual.
 2) The nurse will review each case file using the HSP AIDS Unit case file review quality assurance form.
 3) Using the Case Management Training Manual, the nurse will discuss each deficiency with the case manager.
 4) A corrective action plan will be developed by the nurse for the case manager to resolve all deficiencies in the case files.
 5) The case manager will implement the corrective action plan and complete all items prior to the next review of case files.
 6) The nurse will review all files noted in the corrective action plan for compliance with case management practices.
 7) The above process will continue until the cases reviewed for the case manager meet a 98-100% compliance score on six case file reviews.
 e) A CMT shall return to provisional status when any of the following events occur:
 1) A review of files, per this Section, results in a score of 89% or less;
 2) Within the last year, HSP staff has made five requests for materials which were not submitted on time; or
 3) The CMT has made an assessment or reassessment visit in the home without both members of the CMT present for the visit.

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Prior to the initiation of action to return a CMT to provisional status, the case manager of the CMT will be sent a letter outlining the issues. The case manager will have 10 days to respond. The CMT will be returned to provisional status unless the case manager can prove the event causing the action did not occur. Once a CMT is returned to provisional status it must complete the measures outlined in subsection (d) of this Section.

f) Liability

- 1) DHS shall assume no liability for actions of the provider under the Agreement.
- 2) The provider shall agree to hold DHS harmless against any and all liability, loss, damage, cost or expenses arising from wrongful or negligent acts of the provider.
- 3) The provider shall certify that it has maintained and will maintain liability insurance coverage. Upon request, the provider shall make available policies, certificates of insurance or current letters documenting all insurance coverage.
- 4) The provider shall remain liable for the performance of any person, organization, unincorporated association or corporation with which it contracts.

(Source: Added at 22 Ill. Reg. 19262, effective Oct 1 1998)

Section 686.940 Provider Compliance Requirements

In order to participate in the DHS program to provide services to persons with AIDS, the provider agrees to meet the following minimum requirements that shall be reviewed by DHS annually for compliance.

- a) Organization and Administration: The provider shall make available, upon request, its articles of incorporation, or if an unincorporated association (e.g., partnerships and limited partnerships) shall provide a statement of purpose and functions, and the names and addresses of its owners, partners, or general partners.
- b) Audits: DHS reserves the right to audit all records and accounts pertinent to this Agreement at any time within five years after final completion date of the Agreement.
- c) Policies and Procedures: The provider shall have written policies approved by its governing authority (e.g., Board of Directors) and available for review by customers and purchasers of the service. Such policies shall at a minimum cover:
 - 1) Service Provided: Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.
 - 2) Personnel Policies: Policies shall cover salary schedules, hours of work, sick leave, provision for handling employee grievances, and requirements for attendance at work conferences and training sessions. There shall be written job descriptions identifying

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required qualifications and duties for each title. Policies shall also include the Centers for Disease Control (CDC) recommendations for health care workers for provision of services to persons with AIDS and the Illinois Statutes regarding AIDS, including the AIDS Confidentiality Act [410 ILCS 305].

d) State and Federal Statutes

- 1) All providers shall be subject to compliance with Illinois Statutes governing conflict of interest (Section 11.1-11.5 of The Illinois Purchasing Act [30 ILCS 505/11.1-11.5]).
- 2) All providers shall agree to comply with the Civil Rights Restoration Act of 1987 P.L. 100-259), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Illinois Human Rights Act (775 ILCS 5/1-101, et seq.), the Constitution of the United States, the 1970 Constitution of the State of Illinois and any laws, regulations or orders, State or Federal, that prohibit discrimination on the basis of race, color, sex, religion, national origin, ancestry, age, marital status, inability to speak or comprehend the English language, physical or mental handicaps, or unfavorable discharge from military service.
- 3) The provider shall comply with Section 290ee-3 of the Federal Drug Abuse Confidentiality Act (42 U.S.C. 290ee3) and the AIDS Confidentiality Act [410 ILCS 301].
- e) Non-compliance: If the provider is not in compliance with the requirements of this Subpart, corrective actions up to and including termination of the contract shall be taken.

(Source: Added Oct 1 1998 22 Ill. Reg. 19262, effective

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Nursing Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3) Section Numbers: Adopted Action:
1300.35 New Section
- 4) Statutory Authority: Illinois Nursing Act of 1987 [225 ILCS 65].
- 5) Effective Date of Amendments: October 13, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 22, 1998, at 22 Ill. Reg. 8764
- 10) Has JCARE issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: Several technical corrections were made.
- 12) Have all the changes agreed upon by the Agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
NO
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Illinois Nursing Act of 1987. Among its changes was a provision for remedial education. Prior to its passage, any applicant who had not passed the national nursing examination within 3 years of graduation was required to recomplete the entire nursing course of study before issuance of an Illinois license. The Act now allows applicants to submit proof of passage of a Department-authorized remedial nursing education program or recompletion of the entire course of study. This rulemaking establishes the criteria for such remedial education programs.

DEPARTMENT OF PROFESSIONAL REGULATION

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- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 Telephone #: 217/785-0813
 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300

THE ILLINOIS NURSING ACT OF 1987

Section
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Definitions

Rees

Application for Examination

The Licensure Examination

Application for Licensure on the Basis of Examination

Licensure by Endorsement

Remedial Education

Approval of Programs

Approval of Current Nursing Practice Update Course

Standards of Professional Conduct for Registered Professional Nurses

Standards of Professional Conduct for Licensed Practical Nurses

Standards for Pharmacology/Administration of Medication Course for

Practical Nurses

Renewals

Restoration

Granting Variances

Practice of Nursing

Fines

AUTHORITY: Implementing the Illinois Nursing Act of 1987 [225 ILCS 65] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988; amended at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. 13552, effective September 19, 1995; amended at 22 Ill. Reg. 3895, effective February 5, 1998; amended at 22 Ill. Reg. **19273**, effective

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

OCT 13 1998

Section 1300.35 Remedial Education

Pursuant to Section 12(e) of the Act, no applicant shall be issued a license as a registered nurse or practical nurse unless he/she has passed the examination set forth in Section 1300.25 within 3 years after completion and graduation from an approved nursing program, unless such applicant submits proof of successful completion of the entire nursing education program or one of the following remedial nursing education requirements:

- a) Registered nurse and practical nurse applicants licensed in another U.S. jurisdiction on the basis of successful completion of the national licensure examination may complete the current nursing practice update course set forth in Section 1300.41.
- b) Registered nurse applicants, not licensed in another jurisdiction, may enroll in an approved professional nursing education program's medical/surgical theory and clinical course that includes the content and clinical experiences as stated on the minimal skills and minimal assignment lists maintained by the Department.
- c) Practical nurse applicants, not licensed in another jurisdiction, may enroll in an approved practical nursing education program's medical/surgical theory and clinical course that includes the content and clinical experiences as stated on the minimal skills and minimal assignment lists maintained by the Department.
- d) Registered nurse applicants and practical nurse applicants may participate in an individual self-study plan developed by an approved nursing education program in Illinois that includes theory and coordinated clinical practice components.

- 1) The theory component shall have the following minimum components:
 - A) Assessment of theory learning needs through use of published tests measuring knowledge in medical/surgical nursing, growth and development across the life span and pharmacology;
 - B) Specification by a nursing education program of units of content, objectives and unit plans for study;
 - C) Documented hours equivalent to at least 48 contact hours of theory for registered nurse applicants and 32 contact hours of theory for licensed practical nurse applicants;
 - D) Use of a medical/surgical nursing text currently used in basic nursing education programs;
 - E) A means for demonstrating achievement of objectives.
- 2) The clinical practice component shall be sponsored by a nursing education program. The clinical practice experience shall include the following minimum components:
 - A) Assessment of skill learning needs, arranged by the applicant with the nursing education program prior to assignment to a unit of the institution;
 - B) Mastery of the registered nurse or practical nurse minimal

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- skills list provided by the Department;
- c) Clinical practice component of at least 96 contact hours for registered nurse applicants and 64 contact hours for licensed practical nurse applicants that includes the clinical practice experience noted on the Department's minimal assignment list; and
- d) Identification of a faculty member or registered nurse preceptor.
- e) Registered nurse or licensed practical nurse applicants, taking a self-study course approved by another state board, shall have the course approved by the Department in order for the course to be accepted. The clinical practice component of the course must be provided by an Illinois health care delivery institution and must incorporate the Department's minimal requirements for the clinical practice component. The nurse taking the course must make arrangements with the health care delivery institution for the clinical practice component and identification of a registered nurse preceptor.
- f) Individuals may request a review, by the Board of Nursing, of any other pertinent documents or training that are not set forth in this Section for approval as meeting these requirements.

(Source: Added at 22 Ill. Reg. **19273**, effective
OCT 13 1998)

DEPARTMENT OF INSURANCE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: a) General Provisions
 b) Fees and Charges
 c) Annual Privilege Tax
 d) Annual Retaliatory Tax
 e) Annual State Fire Marshall Tax
 f) Overpayments, Refunds, Amendments and Penalties
- 2) Code Citation:
 a) 50 Ill. Adm. Code 2500
 b) 50 Ill. Adm. Code 2505
 c) 50 Ill. Adm. Code 2510
 d) 50 Ill. Adm. Code 2515
 e) 50 Ill. Adm. Code 2520
 f) 50 Ill. Adm. Code 2525
- 3) Register Citation to Notice of Proposed Rules: All six of the above-referenced proposed new regulations were published in the September 25, 1998, *Illinois Register*.
- 4) Date, Time and Location of Public Hearing: The Department will hold a public hearing on November 9, 1998, at 9:00 a.m. in Conference Room 5-A of the Springfield Office located at 320 West Washington Street. November 9, 1998 is the 45th day of the public comment period and the last day public comments will be accepted by the Department on these six First Notice proposals.
- 5) Other Pertinent Information: All interested parties who will be attending this public hearing should notify Denise Hamilton by calling 217-785-8560 before November 6th. A list of all participants will be kept and made available on the day of the hearing:

Chuck Feinen
 Staff Attorney
 Department of Insurance
 320 West Washington Street
 4th Floor
 Springfield, Illinois 62767-0001

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 5, 1998 through October 13, 1998 and have been scheduled for review by the Committee at its October 20, 1998 meeting in Chicago or its November 17, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/13/98	Department of Public Health, Illinois Home Health Agency Code (77 Ill Adm Code 245)	4/17/98 22 Ill Reg 6825	10/20/98
11/13/98	Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205)	1/30/98 22 Ill Reg 2523	10/20/98
11/18/98	Department of Central Management Services, Acquisition, Management and Disposal of Real Property (44 Ill Adm Code 5000)	5/15/98 22 Ill Reg 8053	10/20/98
11/19/98	Department of Central Management Services, Repeal of Standard Procurement (44 Ill Adm Code 1)	5/15/98 22 Ill Reg 8067	10/20/98
11/19/98	Department of Central Management Services, Standard Procurement (44 Ill Adm Code 1)	5/15/98 22 Ill Reg 8154	10/20/98
11/19/98	Board of Trustees of Illinois Public Universities, Repeal of Joint Rules of the Illinois Public Universities: Procurement and Bidding (44 Ill Adm Code 525)	6/19/98 22 Ill Reg 10814	10/20/98
11/19/98	Department of Human Services, Repeal of Personnel (59 Ill Adm Code 104)	8/14/98 22 Ill Reg 14514	11/17/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/19/98	Department of Human Services, Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119)	7/31/98 22 Ill Reg 14049	11/17/98
11/19/98	Department of Human Services, Application (89 Ill Adm Code 557)	7/31/98 22 Ill Reg 14035	11/17/98
11/19/98	Department of Human Services, Vending Facility Program for the Blind (89 Ill Adm Code 650)	7/31/98 22 Ill Reg 14073	11/17/98
11/19/98	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	8/14/98 22 Ill Reg 14615	11/17/98
11/19/98	Department of Revenue, Use Tax (86 Ill Adm Code 150)	8/14/98 22 Ill Reg 14643	11/17/98
11/19/98	Department of Revenue, Income Tax (86 Ill Adm Code 100)	4/24/98 22 Ill Reg 7118	11/17/98
11/20/98	Higher Education Chief Procurement Officer, Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education and the Board of Trustees of Illinois Public Universities (44 Ill Adm Code 526)	6/19/98 22 Ill Reg 10719	11/17/98
11/20/98	Pollution Control Board, Information to be Submitted in a Compost Facility Permit Application (35 Ill Adm Code 831)	7/6/98 22 Ill Reg 11361	11/17/98
11/20/98	Pollution Control Board, Standards for Compost Facilities (35 Ill Adm Code 830)	7/6/98 22 Ill Reg 11367	11/17/98
11/21/98	Department of Natural Resources, Illinois List of Endangered and Threatened Flora (17 Ill Adm Code 1050)	8/21/98 22 Ill Reg 15143	11/17/98

PROCLAMATIONS

98-466

AUSTRIAN NATIONAL DAY (Revised)

Whereas, the Austrian American Councils was founded as a private organization in 1983; and

Whereas, the objective of the Austrian American Councils is to bring Austrians and American friends of Austria in the United States together and, by doing so, further and deepen the bonds of friendship between Austria and the United States; and

Whereas, today, there are Austrian American Councils or chapters in 43 of the United States; and

Whereas, the Austrian American Councils from all over the United States will hold their annual conference from October 16-18, 1998, in Chicago and will be honored during the reception for Austrian National Day at the Chicago Cultural Center; and

Whereas, Austrian National Day, October 26, 1998, has special significance because Austria holds the Presidency of the European Union in the second half of 1998; and

Whereas, the priorities of Austria's European Union Presidency is to further the cooperation between the European Union and the United States and to contribute to progress within the New Transatlantic Agenda, particularly in areas such as business to business as well as people to people contacts; and

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1998, as *AUSTRIAN NATIONAL DAY* in Illinois.

Issued by Governor, September 18, 1998.

Filed by Secretary of State, September 25, 1998.

98-498

ELWOOD "WOODY" HASEMANN DAY (Revised)

Whereas, Elwood "Woody" Hasemann has given 30 years of loyal service to the Association for Manufacturing Technology; and

Whereas, Elwood "Woody" Hasemann has played an integral part in making the International Manufacturing Technology Show the largest industrial show in the world; and

Whereas, Elwood "Woody" Hasemann has diligently worked to improve the exhibitions industry; and

Whereas, Elwood "Woody" Hasemann will retire on September 30th;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 15, 1998, as *ELWOOD "WOODY" HASEMANN DAY* in Illinois.

Issued by Governor, September 2, 1998.

Filed by Secretary of State, September 16, 1998.

98-513

WESTERN ILLINOIS UNIVERSITY'S COLLEGE OF ARTS AND SCIENCES WEEK

Whereas, the College of Arts and Sciences of Western Illinois will celebrate its 40th Anniversary in October; and

Whereas, the College of Arts and Sciences has sought to assist its students in understanding the fundamental truths that human experience has

discovered and tested in the areas of humanities, natural sciences, mathematics, and social sciences; and

Whereas, it is the goal of the College of Arts and Sciences to provide the foundation for a lifetime of learning and to prepare its students to live useful and productive lives; and

Whereas, the nearly 15,000 alumni of the College of Arts and Sciences have served as living testimony to the success of the education they have received at Western Illinois University as they strive to meet the challenges of our changing society and serve as a link to the ensuing generations of thoughtful and productive minds that will lead this college into the next millennium; and

Whereas, the College of Arts and Sciences will continue to provide students with a quality education grounded in a liberal arts and sciences curriculum to enhance their qualifications for employment or advanced study, and to challenge them to become life-long learners and contributing members of society;

Therefore, I, Jim Edgar, Governor the State of Illinois, proclaim October 12-19, 1998, as *WESTERN ILLINOIS UNIVERSITY'S COLLEGE OF ARTS AND SCIENCES WEEK* in Illinois.

Issued by Governor, September 9, 1998.

Filed by Secretary of State, September 17, 1998.

98-514

CATERPILLAR DAY

Whereas, the Wheel Loaders and Excavators Division of Caterpillar Inc. is marking the 40th anniversary of the first produced at its Aurora plant; and

Whereas, for 40 years, Caterpillar has been a faithful employer in Aurora, as well as being one of the largest employers in the entire state; and

Whereas, since 1958, Caterpillar's outstanding contributions to the Aurora area continue to make the community a better place to live; and

Whereas, the 3,200 Aurora employees come from 12 counties and, since 1958, have produced nearly 300,000 tractors, wheel loaders and excavators; and

Whereas, in honor of its 40th anniversary, Caterpillar Wheel Loaders and Excavators Division is hosting a special employee and family day event on September 19, 1998, which will include product demonstrations and displays, as well as a special presentation for Fox Valley community officials;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 19, 1998, as *CATERPILLAR DAY* in Illinois in appreciation of this employer's good citizenship.

Issued by Governor, September 10, 1998.

Filed by Secretary of State, September 17, 1998.

98-515

DAVID LINCOLN WOOD DAY

Whereas, David Lincoln Wood has been appointed Deputy Superintendent for Operations at the Illinois State Board of Education effective September 16, 1998; and

Whereas, Mr. Wood graduated in 1976 from Knox College with a degree in American Studies, and continued his education at Syracuse University School of Law and Maxwell School of Public Administration, earning a Juris Doctorate and a Masters of Public Administration; and

Filed by Secretary of State, September 17, 1998.

98-517
HISPANIC STATE EMPLOYEE DAY

Whereas, Hispanics represent 905,000 or eight percent of the Illinois population and by the year 2010 will be the largest minority group in the United States; and

Whereas, according to the Bureau of the Census, Illinois ranks among the top five states with sizable Hispanic populations; and

Whereas, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, business, employment, and training opportunities; and

Whereas, the Illinois Association of Hispanic State Employees is sponsoring the 11th Annual Conference on Hispanic State Employment at University of Illinois at Chicago on September 25. The theme of this year's conference is "Latino Empowerment: Building Partnerships Between Government, Community and Education;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 25, 1998, as *HISPANIC STATE EMPLOYEE DAY* in Illinois in recognition of the contributions Hispanic employees have made to the vitality and growth of our state.

Issued by Governor, September 10, 1998.
Filed by Secretary of State, September 17, 1998.

98-518
LARRY LASCHEN DAY

Whereas, Larry Laschen has offered more than 25 years of public service; and

Whereas, Larry Laschen began his career teaching police management, Criminal Investigation and Introduction to Law Enforcement; and

Whereas, Larry Laschen entered the police force as a patrolman and became the Village of Vernon Hills Chief of Police; and

Whereas, Larry Laschen will end his career as Director of Public Safety for the Village of Vernon Hills; and

Whereas, Larry Laschen will share his retirement with his wife and three children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10, 1998, as *LARRY LASCHEN DAY* in Illinois in recognition of his contributions and achievements.

Issued by Governor, September 10, 1998.
Filed by Secretary of State, September 17, 1998.

98-519
MINORITY ORGAN/TISSUE DONOR AWARENESS DAY

Whereas, currently more than 60,000 American patients, including 3,500 citizens of Illinois, are on transplant waiting lists and 11 Americans die each day due to lack of available organs; and

Whereas, nearly 49 percent of those in need of transplants are minorities,

Whereas, on April 28, 1981, Mr. Wood was interviewed for a position at the Bureau of the Budget by Robert Mandeville, Dick Kolhauser, Dale Smith, Jess McDonald, Randy Vareen, Mike Taylor, Doug Brown and Dave Soville; and

Whereas, on July 1, 1981, Mr. Wood began to work at the Bureau as a budget analyst and later worked as a bond analyst in the Economic Development Division under Mark Gallagher; and

Whereas, Mr. Wood was promoted to Division Chief for the Transportation, Business Regulation and Environment Division in 1985, and in 1987 he became Education Division Chief; and

Whereas, on May 1, 1989, Mr. Wood was named General Counsel for the Bureau under Director Robert Mandeville; and

Whereas, on July 16, 1990, Mr. Wood was appointed Acting Director of the Bureau during the transition between the Thompson and the Edgar administrations; and

Whereas, since 1991, Mr. Wood has served as General Counsel and later also as Education Division Chief under Directors Joan Walters and Steve Schnorf; and

Whereas, the State Board of Education will benefit greatly from Mr. Wood's knowledge, experience, integrity and common sense;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 15, 1998, as *DAVID LINCOLN WOOD DAY* in Illinois in honor and recognition of his years of dedicated service to this state.

Issued by Governor, September 10, 1998.
Filed by Secretary of State, September 17, 1998.

98-516
FIRE PREVENTION WEEK

Whereas, in 1996, 43,065 people died in home fires in the United States, and hundreds of fire fatalities continue to occur in Canada each year; and

Whereas, a recent survey conducted by the National Fire Protection Association showed that only a small percentage of respondents are truly prepared in the event of a home fire; and

Whereas, basic home fire escape planning and practice can make the difference between life and death in a fire; and

Whereas, every household should physically practice a home fire escape plan regularly, at least twice a year; and

Whereas, a unified North American fire drill is scheduled to take place on October 7 at 6:00 p.m., providing an opportunity for all citizens to develop and practice their home fire escape plans; and

Whereas, the fire service of Illinois is dedicated to educating our citizenry about the extreme importance of knowing what to do in the event of a fire; and

Whereas, those members of the fire service are joined by other concerned citizens of this state as well as businesses, schools, service clubs, and other organizations in their fire safety; and

Whereas, this year's theme of "Fire Drills: The Great Escape!" will take place during the week of the anniversary of the great Chicago Fire of 1871, which killed more than 200 people, and left 100,000 homeless and destroyed more than 17,400 buildings;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1998, as *FIRE PREVENTION WEEK* in Illinois.

Issued by Governor, September 10, 1998.

although minority donors represent only 25 percent of the national donor pool; and

Whereas, the relatively low number of minorities who donate organs affects the level of blood and tissue antigen matches which significantly increases the waiting time for organ transplants; and

Whereas, the need to encourage organ donors among African Americans, Hispanic Americans, Native Americans, and other minorities is particularly important because these minorities suffer from the highest incidence of hypertension, diabetes, kidney failure, the precursors of kidney transplantation; and

Whereas, kidney transplants save money because the daily cost of dialysis is three times the daily cost of transplantation per patient; and

Whereas, the American Society of Minority Health and Transplant Professionals and the Illinois Secretary of State's office are working together to encourage more minorities to sign donor cards and share the decisions with family members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17, 1998, as *MINORITY ORGAN/TISSUE DONOR AWARENESS DAY* in Illinois.

Issued by Governor, September 10, 1998.

Filed by Secretary of State, September 17, 1998.

98-520

POW/MIA RECOGNITION DAY

Whereas, our federal government will observe National POW/MIA Recognition Day on Friday, September 18, 1998, to honor America's Prisoners Of War (POW) and Missing In Action (MIA), both those who have returned and those still missing and unaccounted for from our nation's wars; and

Whereas, 2,081 Americans are still missing and unaccounted for from the Vietnam War, including 86 from the State of Illinois, and their families, friends and fellow veterans still endure uncertainty concerning their fate;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18, 1998, as *POW/MIA RECOGNITION DAY* in Illinois in honor of all American POW/MIAs, in particular the 86 from Illinois, and I encourage all citizens to observe this day with appropriate ceremonies.

Issued by Governor, September 10, 1998.

Filed by Secretary of State, September 17, 1998.

98-521

STEPFAMILY DAY

Whereas, stepfamilies of Illinois have a mission to raise their children to create a strong family structure, to support the individual members of the family, and to instill in them a sense of responsibility to the other family members; and

Whereas, approximately half of all Americans are currently involved in some form of stepfamily relationship and it is predicted by the United States Census Bureau that by the year 2000 more than half of the US population will be living in stepfamilies rather than nuclear families; and

Whereas, Illinois has been blessed by thousands upon thousands of loving stepparents and stepchildren who are daily reminders of the joy, trials, and triumphs of the stepfamily experience and of the boundless love which is

contained in the bond between all types of parents and children; and

Whereas, Illinois is pleased to join with the entire nation in celebrating the many invaluable contributions which stepfamilies have made to enriching the lives and life experiences of the children and parents of America and to strengthening the fabric of American society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1998, as *STEPFAMILY DAY* in Illinois.

Issued by Governor, September 10, 1998.

Filed by Secretary of State, September 17, 1998.

98-522

PANCREATIC CANCER AWARENESS MONTH

Whereas, millions of citizens currently suffer from pancreatic cancer including thousands of undiagnosed cases; and

Whereas, pancreatic cancer will claim thousands more victims in coming years; and

Whereas, pancreatic cancer is often incurable and fatal once it reaches its advanced stages; and

Whereas, increased public awareness of this deadly disease could lead to early diagnosis and the prevention of many unfortunate deaths each year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1998 as *PANCREATIC CANCER AWARENESS MONTH* in Illinois.

Issued by Governor, September 11, 1998.

Filed by Secretary of State, September 17, 1998.

98-523

FAMILY TRANSFORMATION WEEKEND

Whereas, a record number of families who receive welfare are now in the work force and self-supporting; and

Whereas, many more families still need help to overcome obstacles to working; and

Whereas, Illinois Department of Human Services (IDHS) provides many services to help welfare clients find and keep jobs; and

Whereas, Partners for Hope, IDHS Interfaith Welfare to Work Initiative, is a partnership between IDHS and faith communities to provide wraparound ministries that bolster and enhance IDHS services to families; and

Whereas, Partners for Hope ministries have been established in every region of the state of Illinois; and

Whereas, through Partners for Hope, more families have the chance to transform their lives from welfare-supporting to self-supporting;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the week of October 3-4, 1998, as *FAMILY TRANSFORMATION WEEKEND* in Illinois.

Issued by Governor, September 14, 1998.

Filed by Secretary of State, September 17, 1998.

98-524

LIFE DIRECTIONS DAY

Whereas, Life Directions was founded in 1973 to provide a variety of innovative programs designed to motivate "at-risk" young people, ages 13-35, to

steer away from guns, violence, pregnancy and dropping out of school to pursue more positive directions in their lives and make the transition into mature, responsible, productive adults through self-direction and establishing positive values; and

Whereas, in 1990, Life Directions concepts were introduced to teens in Chicago Public Schools high schools and middle schools; and

Whereas, each semester, Chicago public high school teachers identify "at-risk" youth and high achievers to serve as "peer motivators" by participating in group dialogue sessions facilitated by Life Directions where youth who are barely hanging on can learn success strategies from teens who are making it; and

Whereas, many 10th and 11th grade achievers are trained as "peer mentors" to inspire eighth grade "mentees" who are "at-risk" of academic failure and/or dropping out of school. The "peer mentors" are provided a network of "adult mentors" for guidance and support; and

Whereas, throughout the year, Life Directions' staff members take to the streets to recruit young adults to serve as "neighborhood enrichment program" mentors to "at-risk" youth with the philosophy of "each one, teach one." Participants then become members of grassroots community groups called "circles" that actively work to better the neighborhoods where they live; and

Whereas, on Tuesday, October 20, 1998, at the downtown Chicago Marriott Hotel, *WGN-TV* Children's Charities will host "A Salute to Chicago's Guiding Lights," an annual benefit dinner that will celebrate the 25th Anniversary of Life Directions, Inc., and recognize Chicago Mayor Richard M. Daley as the 1998 "Guiding Light," in honor of his long-standing support of Chicago's youth and Life Directions' initiatives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20, 1998, as *LIFE DIRECTIONS DAY* in Illinois.

Issued by Governor, September 14, 1998.

Filed by Secretary of State, September 17, 1998.

98-525

LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH

Whereas, the Illinois Environmental Health Association represents licensed environmental health practitioners in the State of Illinois; and

Whereas, licensed environmental health practitioners, trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and

Whereas, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and

Whereas, the Illinois Environmental Health Association will be holding its Annual Education Conference October 13-14, 1998, in Peoria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as *LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH* in Illinois.

Issued by Governor, September 14, 1998.

Filed by Secretary of State, September 17, 1998.

98-526

REPUBLIC OF CHINA DAY

Whereas, the Republic of China on Taiwan is the 14th largest trading state in the world and ranks 7th in outbound investment, 20th in gross national product, and 25th in per capita income; and

Whereas, the Taiwan Province of the Republic of China on Taiwan and the State of Illinois share a strong tie of friendship through the Sister State Agreement; and

Whereas, October 10, 1998, denotes the 87th anniversary of the founding of the Republic of China, a milestone worthy of recognition and celebration; and

Whereas, the State of Illinois recognizes the strong efforts of the Republic of China on Taiwan for inclusion into the United Nations and other international organizations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 10, 1998, as *REPUBLIC OF CHINA DAY* in Illinois and encourage all citizens of Illinois to show their appreciation for the contributions of our Chinese-American citizens.

Issued by Governor, September 14, 1998.

Filed by Secretary of State, September 17, 1998.

98-527

ST. JOHN LUTHERAN CHURCH OF MOUNT PROSPECT HERITAGE DAY

Whereas, the family members of St. John Lutheran Church of Mount Prospect will celebrate 150 years of blessings as a congregation in September 1998; and

Whereas, in 1848, a group of 32 German emigrants established St. John Lutheran Church of Elk Grove, now Mount Prospect, on 30 acres of land donated by Christian and Dorothea Linneman; and

Whereas, many of the earliest residents and community founders of Mount Prospect were members of St. John Church; and

Whereas, the Reverend Clements Klein became the first of 16 pastors of the congregation on January 1, 1849; and

Whereas, St. John provided the first elementary education for area children and continues to provide education and extended care to the families of the community; and

Whereas, a celebration of the history and heritage of St. John Lutheran Church, which is a source of pride, thanksgiving and celebration for its congregational family, will be held on September 27, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1998, as *ST. JOHN LUTHERAN CHURCH OF MOUNT PROSPECT HERITAGE DAY* in Illinois.

Issued by Governor, September 14, 1998.

Filed by Secretary of State, September 17, 1998.

98-528

ALZHEIMER'S WEEK

Whereas, Alzheimer's disease will affect an estimated 14 million Americans by the middle of the next century; and

Whereas, there is currently no cure for the fatal disease; and

Whereas, the Alzheimer's Association is the only national voluntary health organizations dedicated to research and conquer the Alzheimer's disease while

providing support for its victims and their families; and

Whereas, the Southern Illinois Alzheimer's Association will raise funds and created awareness for local programs and services through its 5th Annual Memory Walk;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20 -26, 1998, as *ALZHEIMER'S WEEK* in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-529

CERTIFIED PROFESSIONAL SECRETARIES MONTH

Whereas, the Certified Professional Secretaries (CPS) rating is one of the highest honors attainable in the secretarial profession; and

Whereas, professionals in government, business, and industry recognize that secretaries who have such a rating can be of valuable service to them; and

Whereas, to obtain this certification, secretaries must satisfactorily demonstrate their judgment, understanding, and administrative capabilities in an examination administered by the Institute for Certifying Secretaries; and

Whereas, certified secretaries possess knowledge and skill in business, public policy, economics, management, communication, decision-making, financial analysis, and office procedures; and

Whereas, the CPS rating has been awarded to more than 40,000 secretaries in our nation, nearly 2,000 of whom live in Illinois; and

Whereas, Illinois ranks fourth in the United States in the number of CPS-rated individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as *CERTIFIED PROFESSIONAL SECRETARIES MONTH* in Illinois and extend congratulations to secretaries who have earned this distinguished rating and to those striving for the honor.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-530

CONSUMER INFORMATION MONTH

Whereas, Illinois Consumer Information Month will provide information and education to the citizens of Illinois designed to promote consumer protection against fraud and the misrepresentation of products; and

Whereas, Illinois Consumer Information Month will provide information on rent-to-own deals, easy consumer loans, credit reports, and the use of credit designed to assist consumers in making wise spending choices; and

Whereas, Illinois Consumer Information Month will provide tips on shopping, clothing care labels, choosing a contractor, holiday spending, and writing wills designed to help consumers manage their money;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as *CONSUMER INFORMATION MONTH* in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-531

EARTH SCIENCE WEEK

Whereas, geology and the other earth sciences are fundamental to society; and

Whereas, the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and

Whereas, the earth sciences provide the basis for preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and

Whereas, the earth sciences are crucial to environmental and ecological issues ranging from water and air quality to waste disposal; and

Whereas, geological factors of resources, hazards, and environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and

Whereas, the earth sciences contribute to our understanding of nature;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-17, 1998, as *EARTH SCIENCE WEEK* in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-532

GENEALOGY MONTH

Whereas, this year marks the 30th Anniversary of the founding of the Illinois State Genealogical Society; and

Whereas, the Illinois State Genealogical Society serves as the umbrella institution of 122 local genealogical societies throughout our state; and

Whereas, greatly increasing numbers of citizens and scholars are devoting themselves to the research and study of family history in Illinois and elsewhere; and

Whereas, the Illinois State Genealogical Society will be holding its annual conference October 23-24, 1998, as part of the series of conferences and meetings the society has held for years to actively promote the study of genealogy and family history;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as *GENEALOGY MONTH* in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-533

MARY AND PHIL GOOD DAY

Whereas, Mary and Phil Good have been named as the 1998 Illinois Retailers of the Year for their tremendous success in retailing; and

Whereas, this success has come as an independent retailer serving Illinois and the Midwest; and

Whereas, Goods Furniture has become the economic mainstay of Kewanee, Illinois; and

Whereas, customers and tourists come not only for furniture but for Goods restaurants, lodging accommodations, gift shops and salon; and

Whereas, Mary and Phil Good have supported numerous charitable causes and economic development programs in Kewanee and the surrounding community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1998, as *MARY AND PHIL GOOD DAY* in Illinois in recognition of

their outstanding contributions to retailing and economic development.
 Issued by Governor, September 15, 1998.
 Filed by Secretary of State, September 17, 1998.

98-534

MONTH OF THE YOUNG ADOLESCENT

Whereas, the period of young adolescence (10-15) is a distinct, developmental period between childhood and full adolescence, and

Whereas, this period has been little understood nor its importance recognized; and

Whereas, youth between the ages of approximately 10-15 undergo more extensive physical, mental, social, moral, and emotional changes, with the possible exception of infancy, than at any other time of life; and

Whereas, the attitudes and values young adolescents develop during these formative years largely determine their later behavior; and

Whereas, parents continue as primary models and guides, even as young adolescents give increased attention to the peer group; and

Whereas, the community itself is also a "classroom" in which young adolescents learn many lessons; and

Whereas, much valuable information and research about this important age group now exists and should be circulated;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as **MONTH OF THE YOUNG ADOLESCENT** in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-535

RADIOLOGIC TECHNOLOGISTS WEEK

Whereas, expanding health services and advancing knowledge are creating and ever-increasing demand for the services of qualified radiologic technologists; and

Whereas, radiologic technologists are concerned with the conservation of life and health and the prevention of disease; and

Whereas, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

Whereas, the Illinois State Society of Radiologic Technologists is holding its 63rd annual state conference October 1-3;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1-3, 1998, as **RADIOLOGIC TECHNOLOGISTS WEEK** in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-536

RESPIRE AWARENESS DAY

Whereas, it is in the best interest of the State of Illinois to preserve, strengthen, and maintain the family; and,

Whereas, families are Illinois' most important and constant care providers for individuals with extraordinary care needs, such as developmental

disabilities, physical disabilities, Alzheimer's disease, mental and emotional disorders, and extreme medical needs; and

Whereas, respite care in its many forms strengthens the ability of families and caregivers to meet the challenging and intensive demands of ongoing care and to cope in times of family crisis; and

Whereas, having periodic respite enables families and caregivers, and individuals with special needs to more active participants in communities; and

Whereas, respite care is one of the most requested and cost-effective services for families and individuals of all ages; and

Whereas, the State of Illinois appreciates the dedicated work of the families and the individuals who provide respite care to persons with special needs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17, 1998, as **RESPIRE AWARENESS DAY** in Illinois.

Issued by Governor, September 15, 1998.

Filed by Secretary of State, September 17, 1998.

98-537

B. BARNARD BIRGER DAY

Whereas, B. Barnard Birger has served Illinois through numerous labor and industrial, financial, educational, and community development boards and committees throughout Illinois; and

Whereas, B. Barnard Birger honored Illinois by opening the first State of Illinois Office in Moscow, served as an Official Delegate to the Olympic Games, and sat on the Board of Directors for the U.S.S. Abraham Lincoln Aircraft Carrier Governor's Task Force; and

Whereas, B. Barnard Birger is the President and Chief Executive Officer for the B.B.B. Companies which is comprised of companies involved in land development, construction and engineering, real estate sales, manufactured housing developments, historical restoration and architectural millwork; and

Whereas, the B.B.B. Companies are in integral part of the Illinois' economy and economic development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17, 1998, as **B. BARNARD BIRGER DAY** in Illinois and urge all citizens to be aware of the many worthwhile contributions B. Barnard Birger has made.

Issued by Governor, September 16, 1998.

Filed by Secretary of State, September 17, 1998.

98-538

ICAA FAMILIES OF DISTINCTION DAY

Whereas, Illinois Community Action Association (ICAA) has a history of assisting families in need attain higher goals; and

Whereas, in 1995, the ICAA instituted a "Family and Community Development Specialist Program" to train staff in new methods and sensitivity of assisting families in need; and

Whereas, in 1997, the ICAA hosted its first "Families of Distinction" awards banquet honoring 19 families who demonstrated the determination necessary to overcome the hardships and obstacles of poverty and remove themselves from dependence on social services to self reliance with the assistance of Family and Community Development Specialists; and

Whereas, on September 27, 1998, the ICAA and its member agencies will hold a "Families of Distinction" awards banquet at the Renaissance Hotel to acknowledge more than 25 families throughout the state who have demonstrated a strong work ethic, a commitment to excellence, and a desire to be self sufficient;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1998, as *ICAA FAMILIES OF DISTINCTION DAY* in Illinois.

Issued by Governor, September 16, 1998.

Filed by Secretary of State, September 17, 1998.

98-539

METRIC WEEK

Whereas, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

Whereas, the United States Metric Association is a nonprofit organization dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

Whereas, the United States has taken many important steps toward metrication, including requiring metric labeling on all consumer packaging; and

Whereas, the Goals 2000 bill has passed Congress and been signed into law, which stipulates for the first time that *SI* metric should be taught in all science and math classes in the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1998, as *METRIC WEEK* in Illinois and urge citizens to use the metric system whenever possible.

Issued by Governor, September 16, 1998.

Filed by Secretary of State, September 17, 1998.

98-540

OAK PARK AND RIVER FOREST HIGH SCHOOL LIBRARY DAY

Whereas, school libraries in Illinois play an essential part in the education of Illinois children; and

Whereas, school libraries are cornerstones in a community for learning, reading, and public discourse; and

Whereas, the Oak Park and River Forest High School Library is a distinguished institution, beginning its operation 100 ago, September 1899, with over 1,000 volumes; and

Whereas, the Oak Park and River Forest High School Library currently houses over 50,000 volumes, more than 200 periodicals, several classrooms and a research center; and

Whereas, the Oak Park and River Forest High School Library has played an important role in the education of Illinois citizens, including four Pulitzer Prize winning authors, Carol Warner Shields, Class of 1953; Ernest Hemingway, Class of 1917; Charles Simic, Class of 1956; and John LaMontaine, Class of 1959; and

Whereas, the Oak Park and River Forest High School Library will begin a year long celebration of its 100th Anniversary on Monday, September 28, 1998; and

Whereas, the State of Illinois takes great honor in recognizing the

outstanding contributions of school libraries in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 28, 1998, as *OAK PARK AND RIVER FOREST HIGH SCHOOL LIBRARY DAY* in Illinois.

Issued by Governor, September 16, 1998.

Filed by Secretary of State, September 17, 1998.

98-541

OFF THE STREET CLUB DAY

Whereas, Off the Street Club offers young people an alternative to street gangs and violence; and

Whereas, Off the Street Club offers educational, recreational and athletic activities and a safe haven for young people; and

Whereas, Off the Street Club is dedicated to making a difference in the lives of young people; and

Whereas, the 98th Annual Off the Street Club Holiday Luncheon will be held on Tuesday, December 8, 1998, at the Fairmont Hotel in Chicago, Illinois; and

Whereas, this year's luncheon theme is "Building a Better Dream;" Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 8, 1998, as *OFF THE STREET CLUB DAY* in Illinois.

Issued by Governor, September 16, 1998.

Filed by Secretary of State, September 17, 1998.

98-541

OFF THE STREET CLUB DAY (Revised)

Whereas, Off the Street Club offers young people an alternative to street gangs and violence; and

Whereas, Off the Street Club offers educational, recreational and athletic activities and a safe haven for young people; and

Whereas, Off the Street Club is dedicated to making a difference in the lives of young people; and

Whereas, the 98th Annual Off the Street Club Holiday Luncheon will be held on Tuesday, December 8, 1998, at the Fairmont Hotel in Chicago, Illinois; and

Whereas, this year's luncheon theme is "Hope Has a Home;" THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 8, 1998, as *OFF THE STREET CLUB DAY* in Illinois.

Issued by Governor, September 16, 1998.

Filed by Secretary of State, September 25, 1998.

98-542

CHRISTOPHER COLUMBUS PARADE DAY

Whereas, Christopher Columbus and other distinguished Italians have played a significant role in the growth of American civilization; and

Whereas, the Italian American community has preserved and proudly shared their rich culture, heritage and talents with our state and its citizens; and

Whereas, Italian Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts, sport, entertainment, and government; and

Whereas, Louis H. Rago, President of the Joint Civic Italian American

Committee, announces the annual 46th Christopher Columbus Day Parade will be held October 12, 1998, in Chicago; and

Whereas, Anthony Falduto, Christopher Columbus Day Parade Chairman, announces the 1998 theme to be "The Italian Family;" and

Whereas, Joe Perillo, who is commended for his many years of dedication and commitment to the Italian American community, will precede the 1998 Christopher Columbus Day Parade as Grand Marshal;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim

OCTOBER 12, 1998, as **CHRISTOPHER COLUMBUS PARADE DAY** in Illinois.

Issued by Governor, September 17, 1998.

Filed by Secretary of State, September 25, 1998.

98-543

PEDIATRIC CANCER AWARENESS MONTH

Whereas, the Bear Necessities Pediatric Cancer Foundation, Inc. was founded in 1992 by Kathleen Casey, when she saw a need to address the growing number of pediatric cancer cases; and

Whereas, pediatric cancer is the chief cause of death by disease in children, with 41,000 children being stricken in the last five years; and

Whereas, diagnoses of pediatric cancer increases by 8,300 cases annually;

and

Whereas, Bear Necessities Pediatric Cancer Foundation works to raise money and awareness for pediatric cancer patients and programs as well as assisting hospitals in obtaining modern equipment and improving the quality of life for young cancer patients; and

Whereas, volunteers donate countless hours to Bear Necessities to increase public awareness for pediatric cancer and plan fund-raisers including: Thank Heaven For Little Bears Dinner Dance, Fashion Show On Ice, Golf For Bear's Friends Charity Golf Outing, Shop N' Share, Founder's Day Bear Run, Oktoberfest, National Let's Make A Difference Day, Holiday Craft Shoe, Holiday Wreath Sales, Elm School Walk-a-thon and various television, newspaper and magazine advertisements; and

Whereas, Bear Necessities has made numerous charitable donations including many to the University of Chicago-Wyler Children's Hospital: \$1,000 for the Childlife Department, \$15,000 for brain tumor research, \$3,000 for new patient information packets, \$2,000 for educational brochures, \$5,000 for laboratory research equipment, and \$20,000 for cord blood research;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim

OCTOBER 1998 as **PEDIATRIC CANCER AWARENESS MONTH** in Illinois.

Issued by Governor, September 17, 1998.

Filed by Secretary of State, September 25, 1998.

98-544

SAMMY SOSA DAY

Whereas, Sammy Sosa was acquired by the Chicago Cubs from the Chicago White Sox on March 30, 1992; and

Whereas, he was born in San Pedro de Macoris, Dominican Republic, where he resides during the off-season with his wife, Sonia, and their children, Keysha, Kenia, Sammy Jr., and Michael; and

Whereas, in 1998, Sammy earned the "National League Player of the Month"

Award for June after he hit 20 home runs to set a major-league record for most home runs in a month. Sammy received "National League Player of the Week" honors three times and was elected to the 1998 National League All-Star Team, marking his second All-Star appearance; and

Whereas, Sammy was the first Cub player to hit grand slams in back-to-back games on July 27 and July 28; and

Whereas, his 250th major league home run was recorded on August 5 at Wrigley Field, and on September 4, Sammy Sosa became the Cubs' all-time single-season home run leader surpassing Hack Wilson's 1930 record of 56 home runs; and

Whereas, on September 13, at Wrigley Field, Sammy Sosa hit his 62nd home run becoming the second player in Major League Baseball to achieve that mark, and on September 16, in San Diego, California, he hit his 63rd home run to tie the record; and

Whereas, Sammy Sosa has had an M.V.P. season, leading the league in runs scored and RBIs as the Cubs pursue a playoff slot; and

Whereas, Sammy has comported himself throughout this historic season with class, charm and true sportsmanship as he and St. Louis Cardinals' Mark McGwire chase the single-season home run record; and

Whereas, the Chicago Cubs will hold a celebration on September 20, the last regular-season home game, honoring right fielder Sammy Sosa;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim

SEPTEMBER 20, 1998, as **SAMMY SOSA DAY** in Illinois.

Issued by Governor, September 17, 1998.

Filed by Secretary of State, September 25, 1998.

98-545

COLONEL JOHN P. LAWTON (ARMY RETIRED)

Whereas, John P. Lawton's career exemplifies leadership and dedication to the United States of America;

Whereas, John P. Lawton retired from the US Army as a Colonel in 1998 after enlisting as a Private in 1955; and

Whereas, Colonel Lawton continued his family's tradition of service to the United States begun by his grandfather whom was a Medal of Honor recipient; and

Whereas, Colonel Lawton received numerous decorations and awards for his service to the United States including the Distinguished Service Cross, Legion of Merit, two Silver Stars, a Bronze Star for Valor, ARCOM for Valor, four Purple Hearts, Soldier's Medal, Vietnamese awards for valor and merit and numerous other US and foreign awards; and

Whereas, Colonel Lawton has served the United States as a special assistant to the Assistant Secretary for Veterans Liaison and Program Coordinator, as the Executive Director for the Native American Veterans Coordinating Council and Veterans Day Celebrations at Arlington and across the country, as the Director of the Claims Evaluation Service in the Office of Memorial Programs, and as the Deputy in the States Cemetery Grants Program;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim

SEPTEMBER 23, 1998, as **COLONEL JOHN P. LAWTON (ARMY RETIRED)** DAY in Illinois.

Issued by Governor, September 18, 1998.

Filed by Secretary of State, September 25, 1998.

98-546

THE LASALLE BANKS CHICAGO MARATHON WEEK

Whereas, the LaSalle Banks Chicago Marathon is celebrating its 21st year with a weekend full of activities for people of all ages and abilities sponsored by LaSalle Banks and two dozen other sponsors; and

Whereas, during the event, over 55,000 people will visit the Humana Health and Fitness Expo at the Chicago Hilton & Towers; and

Whereas, at stake is \$350,000 in prize money, the highest ever offered; and

Whereas, on Saturday in Grant Park, 1,000 children ages 5-14 will participate in the Dominick's Youth Run, and another 1,000 runners will enjoy the Breakfast Fun Run; and

Whereas, 5,000 people will join the festivities by running the Bally Total Fitness B Fit 5K Run on Sunday; and

Whereas, participants in the weekend's events include 25,000 runners, of which more than 18,000 marathoners will run the 26.2 miles through many Chicago neighborhoods in Sunday's marathon. These marathoners include defending champions Khalid Khannouchi from Morocco and Marian Sutton from Great Britain; and

Whereas, more than 700,000 spectators will line 26.2 miles of Chicago's streets from Grant Park to Lincoln Park to Comiskey Park and in Greentown, Chinatown and Pilsen to cheer on the runners; *THEREFORE*, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-11, 1998, as *THE LASALLE BANKS CHICAGO MARATHON WEEK* in Illinois.

Issued by Governor, September 18, 1998.

Filed by Secretary of State, September 25, 1998.

98-547

CHIEF MINISTER CHANDRABABU NAIDU DAY

Whereas, Chandrababu Naidu was born in Naravaripally village of Chittoor district on April 20, 1950; and

Whereas, Chandrababu Naidu has been politically active since his student days; and

Whereas, Chandrababu Naidu has been an elected representative since 1978 and was unanimously elected as Chief Minister of Andhra Pradesh on September 1, 1995; and

Whereas, Chief Minister Chandrababu Naidu encourages social audits and has implemented reforms to create a better government; and

Whereas, Chief Minister Chandrababu Naidu is visiting Illinois and will conduct a business seminar at Northwestern University's Kellogg School of Business with senior business executives from Chicago;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim September 24, 1998, as *CHIEF MINISTER CHANDRABABU NAIDU DAY* in Illinois.

Issued by Governor, September 21, 1998.

Filed by Secretary of State, September 25, 1998.

98-548

FUTURES AND OPTIONS WEEK

Whereas, the State of Illinois' financial exchanges have pioneered the

concept of futures and options trading; and

Whereas, Illinois' financial exchanges have consistently led the way in innovating new products and ways of collecting business; and

Whereas, financial exchanges around the world have emulated the structure and methodologies in the futures and options trading developed in Illinois; and

Whereas, the futures and options trading industry has enabled the global business community to dramatically reduce the risk associated with operating in an increasingly complex financial marketplace; and

Whereas, Illinois' futures trading industry has helped the entire nation's farm economy to grow and prosper through better financial management; and

Whereas, Illinois' futures industry remains a major engine of the state's economy, attracting billions of dollars of capital to the state and providing these of thousands of jobs; and

Whereas, the Futures Industry Association, a professional group representing companies and exchanges in the futures and options industry, will for the 14th consecutive year hold its "Futures and Options Expo '98" from October 14 through October 16 in Chicago, Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-17, 1998, as *FUTURES AND OPTIONS WEEK* in Illinois.

Issued by Governor, September 21, 1998.

Filed by Secretary of State, September 25, 1998.

98-549

ILLINOIS RECYCLES DAY

Whereas, Illinois' recycling industry offers diverse methods for commercial use of discarded materials, thereby helping conserve valuable natural resources and landfill space; and

Whereas, a strong recycling industry contributes to the economic strength of the State of Illinois, provides high quality jobs and enhances the potential for export of Illinois-produced goods; and

Whereas, the final and necessary step in the recycling process is the purchase of products made from recycled materials, which creates economic demand for collected recyclables; and

Whereas, an efficient community-based collection and processing system provides recycled feedstock to expand the Illinois recycling industry; and

Whereas, a comprehensive education program increases awareness and participation in recycling activities among students, businesses and the general public in Illinois; and

Whereas, recycling and waste reduction are also enhanced by the implementation of innovative technologies supported by research and demonstration programs; and

Whereas, the Solid Waste Management Act designates the Illinois Department of Commerce and Community Affairs (DCCA) as the lead agency in implementing and encouraging development of such waste reduction and recycling programs in Illinois; and

Whereas, with DCCA's support, Illinois joins with other states in the national celebration of "America Recycles Day";

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 15, 1998, as *ILLINOIS RECYCLES DAY*. I ask all citizens, businesses, civic groups, government agencies, schools and other organizations to join in saving resources by recycling, to support recycling by purchasing items with

recycled content, and to participate in Illinois Recycles Day events as coordinated by the Illinois Department of Commerce and Community Affairs (DCCA).

Issued by Governor, September 21, 1998.

Filed by Secretary of State, September 25, 1998.

98-550
THE GOLDEN DINERS TRI-COUNTY SENIOR NUTRITION PROGRAM OF THE SALVATION ARMY DAY

Whereas, the goal of the Tri-County Golden Diner's Nutrition Program of The Salvation Army is to ensure that healthy seniors remain healthy and that ailing seniors regain their health through nutritionally-balanced meals; and Whereas, the Tri-County Golden Diner's Nutrition Program of The Salvation Army operates 20 sites to ensure that seniors receive a nutritious meal; and Whereas, in 1997, 232,817 meals were served to seniors through the Tri-County Golden Diner's Program; and Whereas, 130,634 meals were delivered to 1,089 homebound seniors during 1997; and

Whereas, over 450 volunteers help to serve, portion, and deliver meals; and

Whereas, the Tri-County Golden Diner's Nutrition Program of The Salvation Army is celebrating its Silver Anniversary;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1, 1998, as **THE GOLDEN DINERS TRI-COUNTY SENIOR NUTRITION PROGRAM OF THE SALVATION ARMY DAY** in Illinois.

Issued by Governor, September 21, 1998.

Filed by Secretary of State, September 25, 1998.

98-551
ARNETT CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH WEEKEND

Whereas, the Arnett Chapel African Methodist Episcopal Church (AMEC) celebrates its 100th Anniversary in October 1998; and

Whereas, the Arnett Chapel AMEC provides support for the youth of Illinois through a mentor program, reading club, Girl Scout Troop, Youth Missionary Society, and a young mother's club; and

Whereas, the H.H. Black Scholarship Committee, established in 1949, provides scholarships to college-bound students who have been active members of the Church; and

Whereas, through the Women's Missionary Society, the Arnett Chapel AMEC provides food and clothing to the less fortunate; and

Whereas, the members of the Arnett Chapel AMEC have actively worked to provide equal opportunity to all members of the community; and

Whereas, members of the Arnett Chapel AMEC have served with distinction in civic and political organizations such as the NAACP, the Chicago Urban League, the neighborhood's Caps Programs, and voter registration drives;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16-18, 1998, as **ARNETT CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH WEEKEND** in Illinois.

Issued by Governor, September 22, 1998.

Filed by Secretary of State, September 25, 1998.

98-552
USS HINSDALE CREW MEMBERS DAYS

Whereas, the World War II crew and flag members of the USS Hinsdale APA 120 will meet in the City of Durango, Colorado, on October 1-4, 1998; and Whereas, the USS Hinsdale APA 120 was the flag ship of the Transport Division of 44; and

Whereas, the USS Hinsdale had an active part in the amphibious landings at Iwo Jima and Okinawa; and

Whereas, the crew and officers of the USS Hinsdale have held previous reunions in Kansas, Missouri, Texas, South Dakota, Maine, Florida, California, and Colorado; and

Whereas, it is appropriate to recognize the courage of those who served on the USS Hinsdale and to thank them for the sacrifices the crew made on our country's behalf;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1-4, 1998, as **USS HINSDALE CREW MEMBERS DAYS** in Illinois.

Issued by Governor, September 22, 1998.

Filed by Secretary of State, September 25, 1998.

98-553
WHOLE LIFE EXPO DAYS

Whereas, the Whole Life Expo, a celebration of the body, mind and spirit connection from holistic health to personal growth, will take place in the Chicago area at the Rosemont Convention Center, October 9- 11; and

Whereas, the Expo, based in San Francisco for the last 16 years, is the nation's premier event for natural health, personal growth, spirituality and global change; and

Whereas, the Expo will feature over 300 exhibitors and 200 speakers, including world renowned authors, Dr. Wayne Dyer, Dr. Bernie Siegel, Caroline Myss, and John Bradshaw; and

Whereas, according to a recent study, there is an estimated \$60 billion industry in the natural products lifestyle and healthcare market; and

Whereas, among the many and varied interests covered at the Expo will be health, nutrition, spirituality, alternative therapies, career and lifestyle choices and the environment; and

Whereas, community service will have an important focus at the Expo. Ten community service organizations will be provided exhibit space and a portion of Friday's proceeds will be donated to several worthy charities; and Whereas, the entertainment for the Expo will feature over 27 hours of music and movement, including the internationally known Mass Ensemble from Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9-11, 1998, as **WHOLE LIFE EXPO DAYS** in Illinois.

Issued by Governor, September 22, 1998.

Filed by Secretary of State, September 25, 1998.

98-554
EVANGELINE GOULETAS DAY

Whereas, Evangeline Gouletas has been selected by the Chicago Association

of Realtors to receive the 1998 Hall of Fame Award; and

Whereas, Evangeline Gouletas is the first woman to receive the award since its inception 12 years ago; and

Whereas, Evangeline Gouletas has established herself as an executive, teacher, lecturer and philanthropist;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14, 1998, as *EVANGELINE GOULETAS DAY* in Illinois and congratulate her on her achievement.

Issued by Governor, September 22, 1998.

Filed by Secretary of State, September 25, 1998.

98-555

SISTER BEATA WEEK

Whereas, Sister Beata Knoedler has been an educator at Springfield College for 40 years; and

Whereas, Sister Beata Knoedler had educated and inspired thousands of students, and

Whereas, there will be an academic convocation, an all-alumni gathering and an appreciation dinner scheduled in honor of Sister Beata Knoedler;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27-October 4, 1998, as *SISTER BEATA WEEK* in Illinois.

Issued by Governor, September 23, 1998.

Filed by Secretary of State, September 25, 1998.

98-556

VOLUNTEER BLOOD DONOR MONTH

Whereas, in the State of Illinois, there are approximately 600,000 transfusions per year; and

Whereas, every three seconds someone needs blood, and there are no substitutes or replacements for blood. Every day approximately 40,000 units of blood are used throughout the country; and

Whereas, an estimated 8 million people donate blood in the United States each year; however, many more healthy, regular volunteer donors are needed to give the gift of blood to their neighbors in need as accident victims, people undergoing surgery, and patients receiving treatment for leukemia, cancer, and other diseases all utilize blood; and

Whereas, this year, for the first time, three non-profit organizations, the American Association of Blood Banks (AABB), American Red Cross (ARC), and America's Blood Centers (ABC) have joined together to form the National Volunteer Blood Donor Month Coalition; and

Whereas, January is traditionally a time when it is difficult to recruit blood donors, and the National Volunteer Blood Donor Month Coalition will celebrate the month of January with a campaign to showcase support for member blood centers and hospitals and encourage citizens to give the gift of life to their neighbors in need. The theme of the celebration is "Live Blood, The Gift of Life;"

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1998 as *VOLUNTEER BLOOD DONOR MONTH* in Illinois, and encourage all citizens in good health to be regular blood donors.

Issued by Governor, September 23, 1998.

Filed by Secretary of State, September 25, 1998.

98-557

AGENT ORANGE AWARENESS MONTH

Whereas, Agent Orange, a chemical sprayed in Vietnam to kill foliage, is viewed as responsible for causing numerous health effects in Vietnam veterans who were exposed to this chemical; and

Whereas, Congress signed Public Law 102-4 on February 6, 1991, which created the National Academy of Sciences Institute of Medicine in order to study Agent Orange and its effects; and

Whereas, there is a nation-wide effort underway to have the month of October recognized as Agent Orange Awareness Month;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as *AGENT ORANGE AWARENESS MONTH* in Illinois.

Issued by Governor, September 13, 1998.

Filed by Secretary of State, October 1, 1998.

98-558

RON T. JEDLINSKI AND ROMAN INC.

Whereas, Roman Inc. has made a continuous effort to care for its employees and community; and

Whereas, Roman Inc. has contributed to and supported numerous organizations; and

Whereas, Roman Inc. has actively become involved in the Susan G. Komen Breast Cancer Foundation and the Sunshine Foundation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend *RON T. JEDLINSKI AND ROMAN INC.* for their community support and involvement.

Issued by Governor, September 13, 1998.

Filed by Secretary of State, October 1, 1998.

98-559

WATSEKA HIGH SCHOOL FOOTBALL CENTENNIAL DAY

Whereas, the Watseka Community High School football program was established in 1898 and is celebrating the beginning of its second century; and

Whereas, the proud traditions and heritage of Watseka football is evident by the community and alumni support for the school and the football program; and

Whereas, the Watseka Community High School football program has instilled values of leadership, sportsmanship, and dedication in the students of Watseka High School;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9, 1998, as *WATSEKA HIGH SCHOOL FOOTBALL CENTENNIAL DAY* in Illinois.

Issued by Governor, September 13, 1998.

Filed by Secretary of State, October 1, 1998.

98-560

LOVE DAY

Whereas, many people are hurting and in need of hope and encouragement;

and Whereas, we should be reminded of anyone who is unfed, unwanted, abandoned, crippled, dying, hungry, homeless, aged, imprisoned, lonely or sick; and

Whereas, I encourage our residents to help bring peace, comfort and love to all those who hurt in anyway; and

Whereas, a special day has been designated to remind us of the poor among us, the needy who seek help, the lonely who need companionship and others who need our special interest, compassion and love;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 7, 1998, as **LOVE DAY** in Illinois.

Issued by Governor, September 24, 1998.

Filed by Secretary of State, October 1, 1998.

98-561

ONE CHURCH, ONE CHILD DAY

Whereas, over the 18 year history of One Church, One Child, several churches in Illinois have accepted the challenge to recruit from among their members at least one family to adopt a waiting child; and

Whereas, there are over 400 legally free children waiting for a permanent home; and

Whereas, One Church, One Child has a positive impact on the adoption of special needs children of all races; and

Whereas, many other states have begun One Church, One Child programs of their own;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1, 1998, as **ONE CHURCH, ONE CHILD DAY** in Illinois, and commend the Board of Directors for the program's 18 years of service and wish them continued success in helping to find families for waiting children.

Issued by Governor, September 24, 1998.

Filed by Secretary of State, October 1, 1998.

98-562

RESIDENTS' RIGHTS WEEK

Whereas, Illinoisans residing in nursing facilities are residents of the State of Illinois; and

Whereas, they represent our families, friends, and loved ones; and

Whereas, growing older does not alter or limit their rights of citizenship; and

Whereas, the Federal Nursing Home Reform Law and the State Nursing Home Care Act preserve the autonomy and dignity of long-term care residents; and

Whereas, the Illinois Department on Aging Long Term Care Ombudsman Program works to advocate, defend and protect the rights of these citizens; and

Whereas, we wish to honor the lives and contributions of these Illinois citizens while ensuring they continue to live comfortable and productive lives and continue to receive the full benefits as citizens of the United States and the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1998, as **RESIDENTS' RIGHTS WEEK** in Illinois, and encourage all the citizens of this great state to join me in recognizing this observance.

Issued by Governor, September 24, 1998.

Filed by Secretary of State, October 1, 1998.

98-563

VILLAGE OF PEORIA HEIGHTS CENTENNIAL DAY

Whereas, the Village of Peoria Heights was incorporated on November 21, 1898; and

Whereas, the Village is a Home Rule Community; and

Whereas, the current population of the Village is 6,930; and

Whereas, the Village is a small town within the state's second largest metropolitan statistical area, but still maintains a viable yet quaint central business district; and

Whereas, the Village is the home of one of the first automobile factories in the country. Charles Duryea, often referred to as the "father of the automobile," built his Glide automobile here in 1892; and

Whereas, the Village is the home of the "World's Most Beautiful Drive" (Grandview Drive) as attributed by President Theodore Roosevelt in 1902; and

Whereas, the Village is home to Tower Park where a unique recreation facility is combined with the Village's water utility system. A glass enclosed elevator glides 170 feet to the top of one of the Village's 500,000 gallon water storage facilities to reveal a panoramic view of the Illinois River bluff from three viewing galleries; and

Whereas, the Village is home to almost 2,000 acres of park land and nature preserves; and

Whereas, on October 25-27, 1998, the Village of Peoria Heights will celebrate its November 21, 1998, centennial with a Centennial Festival;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 21, 1998, as **VILLAGE OF PEORIA HEIGHTS CENTENNIAL DAY** in Illinois.

Issued by Governor, September 24, 1998.

Filed by Secretary of State, October 1, 1998.

98-564

ADULT IMMUNIZATION AWARENESS WEEK

Whereas, influenza and pneumococcal pneumonia together are the fifth leading cause of death among American adults, especially those who are 65 years of age and older; and

Whereas, fewer than half of Americans over 60 years of age are protected against tetanus and diphtheria; and

Whereas, too few adults are immunized against these diseases, as well as against other highly infectious diseases, including hepatitis B, measles, mumps and rubella; and

Whereas, many American adults could be spared hospitalization or death this year by simply being immunized with vaccines that have been proven to be safe, effective and covered by Medicare; and

Whereas, the Surgeon General of the United States Public Health Service has repeatedly called on this nation to reduce the enormous cost of health care through prevention programs, including immunizations against infectious diseases; and

Whereas, today in the United States at least 100 times as many adults as children needlessly die each year from vaccine-preventable disease;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-17, 1998, as *ADULT IMMUNIZATION AWARENESS WEEK* in Illinois and urge all citizens to obtain needed immunizations and to make record of their personal immunization status.

Issued by Governor, September 25, 1998.

Filed by Secretary of State, October 1, 1998.

98-565

CAREER DEVELOPMENT MONTH

Whereas, career development is an essential part of Illinois' education process, helping to bridge the gap between school and business, industry and labor; and

Whereas, career development helps individuals understand, select and train for those occupations that will provide careers in the increasingly challenging labor market in the future; and

Whereas, individuals may change careers or need to be retrained several times making career development a life-long process that reaches far beyond the schools; and

Whereas, the State of Illinois continues to emphasize career development for all people to assist them in preparing for the future through the Education-to-Careers initiative, the welfare to work initiative and the Illinois Employment and Training Center network;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1998, as *CAREER DEVELOPMENT MONTH* in Illinois, with the theme "Career Development for the 21st Century" in recognition of the importance of this field to workforce preparation.

Issued by Governor, September 25, 1998.

Filed by Secretary of State, October 1, 1998.

98-566

CHICAGO CHAPTER NATIONAL BLACK NURSES' ASSOCIATION DAY

Whereas, the Chicago Chapter National Black Nurses' Association (CCNBNA) was formed in 1973 to address the concerns of African American nurses and the overall health status of African Americans; and

Whereas, the CCNBNA has a long-standing history of providing preventive education to all people, with a particular focus on African Americans across this city; and

Whereas, over the past 25 years, the CCNBNA has conducted community based preventive and educational programs in the areas of teenage pregnancy, infant mortality, cancer, with a focus on AIDS, diabetes, depression and violence; and

Whereas, for the past six months, CCNBNA members have been actively involved in the Stay Beautiful/Stay Alive campaign in beauty and barber shops throughout the city, which is an educational campaign that teaches people the importance of early testing for various cancers; and

Whereas, the CCNBNA is a not-for-profit community based professional organization which represents 5,000 African American registered nurses, licensed practical nurses and students; and

Whereas, the CCNBNA remains committed to improving the lives of persons of African heritage and the general public by delivering health services and health provider education programs, contributing to nursing and health services

research and policy development, collecting and evaluating culturally relevant data, and partnering with other health provider organizations and community business leaders to revitalize the public health system; and

Whereas, on October 16, 1998, the CCNBNA will celebrate their 25th Anniversary of service to the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1998, as *CHICAGO CHAPTER NATIONAL BLACK NURSES' ASSOCIATION DAY* in Illinois.

Issued by Governor, September 25, 1998.

Filed by Secretary of State, October 1, 1998.

98-567

HISPANIC/LATINO MENTAL HEALTH WEEK

Whereas, more than 40 million Americans of all ages, races, and ethnic groups suffer from mental health problems; and

Whereas, mental illness is often perceived as a social stigma, and it is of the utmost importance to increase public awareness and understanding of mental wellness; and

Whereas, Hispanic/Latino people often struggle to overcome language and other barriers placed before them; and

Whereas, the Latino Family Institute and Latin International Network of Mental Health have forged partnerships with the Illinois Department of Human Services, Division of Disability and Behavioral Health Services, the Chicago Department of Public Health, and other agencies, organizations, and institutions at an international level to provide mental/emotional disorder screenings, lectures, consumer information and symposiums;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-12, 1998, as *HISPANIC/LATINO MENTAL HEALTH WEEK* in Illinois in an effort to increase mental health wellness for all citizens.

Issued by Governor, September 25, 1998.

Filed by Secretary of State, October 1, 1998.

58-568

ILLINOIS REGION PHI THETA KAPPA DAYS

Whereas, Phi Theta Kappa is the only international honor society recognizing academic excellence in community colleges; and

Whereas, Phi Theta Kappa's Prairie State Nu Sigma Chapter was organized in the early 1970's and is convening the Phi Theta Kappa 1998 Illinois Regional Convention; and

Whereas, the 1998 Illinois Regional Convention will include a variety of speakers, events and workshops that embody Phi Theta Kappa's ideals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23-25, 1998, as *ILLINOIS REGION PHI THETA KAPPA DAYS* in Illinois.

Issued by Governor, September 25, 1998.

Filed by Secretary of State, October 1, 1998.

98-569

PRINCIPALS WEEK

Whereas, the Principal is the recognized educational leader of a school;

and

Whereas, the Principal creates the vision and sets the expectation for a high level of student achievement and faculty performance; and
Whereas, the Principal establishes a positive climate for learning and the attainment of educational goals; and

Whereas, the State of Illinois recognizes and salutes the accomplishments, skills and commitment to excellence of its Principals; and
Whereas, the Illinois Principals Association, under the leadership of President Michael Wierzbicki, will hold its annual Professional Conference this week in Peoria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18-24, 1998 as **PRINCIPALS WEEK** in Illinois.

Issued by Governor, September 25, 1998.

Filed by Secretary of State, October 1, 1998.

98-570

MOLLUS DAYS

Whereas, the Military Order of the Loyal Legion of the United States (MOLLUS) was formed on April 20, 1865, when a mass meeting of Philadelphia veterans was held to pledge renewed allegiance to the Union and to plan for participation in the funeral arrangements for President Abraham Lincoln. They met again on May 31, 1865, to establish a permanent organization of officers and ex-officers that could help thwart future threats to the national government; and

Whereas, by 1899, the Loyal Legion had more than 8,000 Civil War officer members on its rosters and counted practically every prominent officer among its ranks and many other prominent persons of the time were members; and

Whereas, after much debate, the Loyal Legion adopted provisions for hereditary membership, permitting descendants of eligible officers to become members; and

Whereas, after the establishment of the first Commandery in Pennsylvania, other State Commanderies soon followed which continue to exist in most of these states, including Illinois; and

Whereas, the principal objectives of the Loyal Legion today are to perpetuate the memory of those who fought to preserve the unity and indivisibility of the Republic and to honor the memory and promote the ideals of the wartime president, Abraham Lincoln; and

Whereas, the Commander-in-Chief of MOLLUS, Michael Patrick Sullivan IV, was born in Chicago, Illinois; and

Whereas, the 113th Annual Meeting of the MOLLUS Commander-in-Chief will be held in Springfield, Illinois, on October 2-4, 1998. In addition to meetings, scheduled events include several films on Springfield and the restoration of the Lincoln Home, a special reception and dinner at the Old State Capitol with optional period dress, a tour of the Lincoln Home, a trolley tour to the Lincoln Tomb, and a trolley tour to Lincoln's New Salem State Historic Site along with several other historic sites;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-4, 1998, as **MOLLUS DAYS** in Illinois.

Issued by Governor, September 28, 1998.

Filed by Secretary of State, October 1, 1998.

98-571

PORNOGRAPHY AWARENESS WEEK

Whereas, the U.S. Supreme Court has repeatedly ruled that obscenity is not protected speech under the First Amendment; and

Whereas, pornography can inflict tremendous suffering and damage to individuals, families, business districts, communities, and our nation; and

Whereas, there are state and federal anti-obscenity laws on the books to protect public safety, public morality, and public health; and

Whereas, the obscenity laws are uniquely grounded in community standards; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25-November 1, 1998, as **PORNOGRAPHY AWARENESS WEEK** in Illinois.

Issued by Governor, September 28, 1998.

Filed by Secretary of State, October 1, 1998.

98-572

POLISH AMERICAN HERITAGE MONTH

Whereas, over one million residents of Polish descent in the State of Illinois join in celebration of their Polish heritage during the month of October; and

Whereas, Polish immigrants sought freedom, democracy, and a better way of life in America and brought with them their cherished national customs, their love of closely-knit family life, and their affection for their adopted country; and

Whereas, October is a national observance focusing on the many contributions of Polish Americans to the fields of education, science, medicine, law, business, public service, industry, and the arts; and

Whereas, in October, we join Americans of Polish descent to celebrate their priceless heritage of democracy, tolerance, and humanitarianism;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as **POLISH AMERICAN HERITAGE MONTH** in Illinois.

Issued by Governor, September 28, 1998.

Filed by Secretary of State, October 1, 1998.

Rules acted upon during the period from October 16 (Issue 42, 1998) through December 28, 1998 (Issue 52) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or italiale@cegate.sos.state.il.us (Internet address).

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